



AGENDA

BOARD OF MAYOR AND ALDERMEN REGULAR WORK SESSION

**Tuesday, May 18, 2009
Council Room — 2nd Floor, City Hall
4:30 p.m.**

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh
Vice Mayor Benjamin K. Mallicote
Alderman Charles K. Marsh, Jr.

Alderman Larry Munsey
Alderman Patrick W. Shull
Alderman Jantry Shupe

Leadership Team

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney
Jim Demming, City Recorder/CFO
Craig Dye, Fire Chief
Jeff Fleming, Asst. City Manager, Development Services

Chris McCart, Assistant to the City Manager
Ryan McReynolds, Public Works Director
Gale Osborne, Police Chief
Tim Whaley, Community and Gov't Relations Director

1. Call to Order
2. Roll Call
3. Work Session Tickler
4. Review of Sites for Water Park Aquatic Center – Chris McCart – Lose Associates
5. Review of Items on May 19, 2009 Regular Business Agenda
6. Review of Long Term Financing – John Campbell
7. Adjourn

Citizens wishing to comment on agenda items, please come to the podium and state your name and address. Please limit your comments to five minutes. Thank you.



Work Session Tickler May 18, 2009

Special Projects

Higher Education Center

Jeff Fleming

Updated May 13, 2009

Interior finishes and ceiling grid are underway. Sheetrock installation and finishing are nearly complete. The exterior brick masonry and window installation are also underway.

Netherland Inn Road Boat Ramp

Chris McCartt

Updated May 15, 2009

The City should receive approval from TVA in two weeks; however it could be up to four weeks before we get the ARAP permit approved by TDEC. Staff will be contacting TDEC to see if it would be possible for them to approve our permit around the same time we receive the TVA permit. If TDEC can advance our request we will shoot for the following timeline:

1. Survey/design completed by May 19th
2. Bid docs submitted to Purchasing by May 20th
3. Bid in the KTN on May 20th
4. Bids opened on May 28th
5. Bid awarded by June 2nd
6. Ready for construction around the second week of June

Even if we are delayed in getting our ARAP permit we still plan on bidding this project and being ready for construction when we receive all permits.

City Departments

Police Department

DA/Visionair Project

Gale Osborne

Updated May 15, 2009

We ordered hardware/servers 4/29. Approximate 6 week turnaround on server delivery. Proposed schedule of timelines: Hardware/Network predicted ready date – 5/31; installation start date – 6/9. Computer Aided Dispatch predicted live date - 8/6-7. Additionally, go-live dates for other software are available along with a proposed schedule provided by VisionAir. Predicted completion date for full installation and go-live is 12/11. We are continuing the weekly conference calls with VisionAir project manager. We are continuing with monthly full team meetings.

Fire Department

Fire Station Seven

Craig Dye

Updated May 13, 2009

The foundation is poured, but we will have to have a run of good weather so they can get the steel frame up and other ground work done. We are still on track for opening the first part of October.

Anyone wishing to visit the project site please schedule a time with the Fire Department.

Finance Department

Sewer Tap Fees

Jim Demming

Updated May 14, 2009

Approximately 50 notification letters were mailed to property owners in the Rock Springs area informing them of the availability of sanitary sewers and the requirements for connecting to the system. The letter also provided information regarding the applicable fees and available financing option for the tap fee. Through May 14th several affected property owners have inquired about the availability of the City's sewer system, but none have proceeded forward with connecting to the system.

Public Works

Shelby Street Update

Ronnie Hammonds

No new update (4/30/09)

Storm Line replacement has been finished. The first phase of the Bradford Pear removals has been completed. Stump removal took place the week of April 20th. Sidewalk repair work has started and will be continuing. Yoshino Cherry trees planting will occur shortly. Sidewalk was slowed temporarily during Clean-up week and by the recent wet weather. Sidewalk work has restarted and should be finished within a week. Road repairs will be the last portion of the project.

Engineering

Gibson Mill Road Realign

Hank Clabaugh

Updated May 14, 2009

Thomas has now resumed with completion of the final road grading on Cassel Drive and Ravine Drive. Once the final grading is complete, the curb, gutter, and sidewalks will be constructed. The majority of the road is constructed to subgrade. The contractor is currently testing the compaction of the subgrade. It is expected that Ravine Drive and portions of Cassel Drive will be paved with binder in the next several weeks.

Construction continues on the numerous components for the new bridge. Both abutments and both footers for the piers are complete. The construction of the piers resting on the footers remains to be done. Installation of the steel for the bridge deck will begin in mid-May. This work is for Contract 1.

Thomas is currently focusing on the Ravine Drive area. This road will eventually be closed with a cul-de-sac.

Engineering, continued

Thomas Construction Co. is the contractor for both contracts (Contract 1 – Wellmont; Contract 2 – City).

The notice to proceed date for both contracts was November 3, 2008 and the original final completion for both projects is September 4, 2009.

Netherland Inn Bridge

Gary Dault

Updated May 14, 2009

The bridge railing work is nearing completion. At that point the bridge will be complete.

Work at the two approaches is beginning. Once the guard rails are mostly installed, the work to move traffic over onto the new bridge will begin. This will occur in mid-June. During the switch-over, Netherland Inn Road will be closed for 3 days.

Water/Sewer

Automated Meter Reading

Chad Austin

Updated May 14, 2009

Approximately 19,950 meters have been changed out thus far. 70 routes (of 128) are substantially complete. We are on track to begin reading half of our system by July 1.

Rock Springs Area

Waterline Upgrades

Chad Austin

Updated May 14, 2009

The waterline installation on Rock Springs Road is complete. Pressure testing and bacteriological testing of the line will take place in the next two weeks so that the line can be placed in service by the May 31 deadline.

Riverview Area Upgrades

Chad Austin

Updated May 14, 2009

Water lines and Sewer lines have been replaced in the Riverview area where the Hope VI housing will be built. This work was done in-house. This project will give us better assurance that we will not have any maintenance issues in the near future that will disrupt the area after the new housing is built. There are still some cleanup issues being dealt with, such as the replacement of driveway headers on Carver St. that will be done as weather permits.

Transportation (MPO / Grants)

Netherland Inn Bank Barn Museum

Bill Albright

Updated May 14, 2009

Construction of the Bank Barn is almost complete. A few "punch list" items should be finalized within the next few days. All of the additional items, with the exception of a few landscaping articles, are completed as well (installation of brick pavers on the back and front (concrete) porches/patios, additional brick walkway from the backside of the Netherland Inn to the back of the Bank Barn, and wrought iron hand railings). A lease agreement between the City and the Netherland Inn Association, detailing operations of the building and museum, will be finalized and adopted at the next BMA meeting.

Transportation (Traffic)

***Indian Trail / Stone Drive
Signal & Median***

Michael Thompson

Updated May 14, 2009

Pavement milling and utility relocations are complete. Signal and median work are underway. Three thru lanes and one turn lane is required to be kept open through the project. Completion is scheduled on or before June 30, 2009.

Stone Drive at Union Flasher

Michael Thompson

Updated May 14, 2009

Flasher assembly is on order (expected delivery next week) and TDOT has informed us that we will not need a contract to move forward with installation as this will be considered just a sign installation. Flasher is proposed to be placed for the eastbound traffic in approximately the same location as the existing road-side signal ahead sign.

Development Services

Cook's Point

Rack Cross

Updated May 13, 2009

Cook's Point was visited for the purpose of general observation. During the site visit Developer Erik Fritz was present and pointed out that he has begun sowing grass seed in several areas and plans to continue until sowing is complete. Additional progress was seen in the rough-in of the walking trail connecting Cook's Court and Cook's Point Road being covered with gravel.

Leisure Services

***Parks & Recreation
Greenbelt***

Kitty Frazier

Updated May 14, 2009

Surveying and general preparations for the construction site are underway. Ducco Construction will mobilize to the site as soon as the preparations are completed and weather allows.

Kingsport Public Library

Helen Whittaker

Updated May 12, 2009

Library planning consultant, Anders Dahlgren, will be meeting with the library staff on May 21 to begin working on the library's building program.

We are conducting an online customer service survey as part of the Watauga Regional Library system through the month of May.

Our fantastic summer reading programs for kids and teens begins June 3rd. Events are posted on the library's website www.kingsportlibrary.org.

The action form to approve the recommended architect for the library's feasibility study will be brought before the BMA at their June 1/2 sessions.

Leisure Services, continued

Bays Mountain Planetarium

Adam Thanz

Updated May 13, 2009

The planetarium theater is still extremely successful in attendance and the amount of shows offered. We have increased the amount of public shows offered each week from 6 with the old theater to 14+. During the summer, the public show offerings will be 23+ per week. The "+" represents shows added as needed. We are currently averaging 4 school programs each day as well. As of early May, we have had almost 18,000 attendance for this fiscal year, most of which has been since March. I will be promoting the planetarium at the upcoming SEPA (Southeastern Planetarium Association) conference in Nashville, TN. This promotion will include providing a special edit of our current in-house production of "Connections" and an update of the 2010 conference hosted by Bays Mountain!



AGENDA

BOARD OF MAYOR AND ALDERMEN

REGULAR BUSINESS MEETING

**Tuesday, May 19 2009
Large Court Room – 2nd Floor, City Hall
7:00 p.m.**

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh
Vice Mayor Benjamin K. Mallicote
Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey
Alderman Patrick W. Shull
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James Demming, City Recorder

- I. CALL TO ORDER**
- II.A. PLEDGE OF ALLEGIANCE TO THE FLAG**
- II.B. INVOCATION** –Gary Bement, Pastor – Bethel Presbyterian Church
- III. ROLL CALL**
- IV. RECOGNITIONS AND PRESENTATIONS**
 - A. Kingsport Police Department Citizens Academy Graduation/Certificate Presentation – Ptlm. Thomas Patton
- V. APPROVAL OF MINUTES**
 1. May 4, 2009 Regular Work Session
 2. May 5, 2009 Regular Business Meeting

VI. COMMUNITY INTEREST ITEMS

AA. PUBLIC HEARINGS

1. Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the RS1 Annexation and Consideration of a Resolution Adopting the Plan of Services (AF: 122-2009)
 - Public Hearing
 - Ordinance (Annexation)– First Reading
 - Ordinance (Zoning) – First Reading
 - Resolution

COMMENT

Citizens may speak on agenda items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes. A total of thirty minutes is allocated for public comment during this part of the agenda.

B. BUSINESS MATTERS REQUIRING FIRST READING

1. Consideration of an Ordinance to Amend the Schools Federal Projects Fund Budget (AF: 135-2009)
 - Ordinance – First Reading
2. Consideration of an Ordinance to Amend the Schools Special Projects Fund Budget (AF: 136-2009)
 - Ordinance – First Reading
3. Consideration of an Ordinance to Amend the General Purpose School Fund and the General Projects Fund Budget (AF: 134-2009)
 - Ordinance – First Reading
4. Consideration of an Ordinance to Appropriate Funds for the Façade Program and the Redevelopment Incentive Program (AF: 139-2009)
 - Ordinance – First Reading
5. Consideration of an Ordinance Authorizing the City Treasurer to Refund Certain Funds to Ball, Rose, and Greenwood, a Tennessee General Partnership d/b/a Reddy Creek (AF: 140-2009)
 - Ordinance – First Reading

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION

D. OTHER BUSINESS

1. Consideration of a Resolution Authorizing an Amendment to an Agreement Between The Netherland Inn Association and The City of Kingsport for Operation and Maintenance of the Netherland Inn Bank Barn and Pioneer Transportation Museum (AF: 143-2009)
 - Resolution
2. Consideration of a Resolution Authorizing the Mayor to Execute all Necessary and Proper Documents to Update the Agreement for Services for the Diabetes Management Program (AF: 141-2009)
 - Resolution
3. Consideration of a Resolution to Authorize the Purchase of Dell Computers from the Wilson County State Contract and Authorize the Mayor to Sign all Applicable Documents (AF: 144-2009)
 - Resolution
4. Consideration of a Resolution Adopting a Pay Plan Policy for City Employees (AF: 137-2009)
 - Resolution
5. Consideration of a Resolution Authorizing the Mayor to Execute all Documents to Close on the Sale of a portion of the Quebecor Property for "Project Friday" (AF: 147-2009)
 - Resolution

E. APPOINTMENTS

VII. CONSENT AGENDA

All matters listed under the Consent Agenda are considered in the ordinary course of business by the Board of Mayor and Aldermen and will be enacted on by one motion in the form listed. If discussion is desired by either the Board or the audience, the item in question will be removed from the Consent Agenda and considered separately.

1. Consideration of an Ordinance Establishing a Policy in Compliance with T.C.A. Section 47-18-2901 for the Protection of Confidential Information on Laptop Computers and Removable Storage Devices (AF: 87-2009)
 - Ordinance – Second Reading and Final Adoption
2. Consideration of an Approval of Offer for Easements and Right-of- Ways for the Dale Street Sewer Line Extension Project (AF: 138-2009)
 - Approval of Offer

VIII. COMMUNICATIONS

- A. CITY MANAGER
- B. MAYOR AND BOARD MEMBERS
- C. VISITORS

Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non- personal in nature, and they should be limited to five minutes.

IX. ADJOURN

Minutes of the Regular Work Session of the
Board of Mayor and Aldermen, City of Kingsport, Tennessee
Monday, May 4, 2009, 4:30 PM
Council Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips

Alderman Valerie Joh

Vice-Mayor Benjamin K. Mallicote

Alderman Larry A. Munsey

Alderman Patrick W. Shull

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

1. **CALL TO ORDER:** 4:32 p.m., by Mayor Phillips.
2. **ROLL CALL:** By Deputy City Recorder Gilbert. Absent: Alderman Charles K. Marsh, Jr.
3. **WORK SESSION TICKLER.** Alderman Munsey questioned whether projects involving the aquatic center and MeadowView Conference Center expansion should be added to the tickler and City Manager Campbell responded that there is an agenda item on tomorrow night's agenda regarding the GMP (guaranteed maximum price) on MeadowView and there are plans for a major presentation on the aquatic center at the next BMA work session.
4. **REVIEW OF AGENDA ITEMS ON MAY 5, 2009 REGULAR BUSINESS AGENDA.** City Manager Campbell, members of staff and community members provided a summary or presentation for each item on the proposed agenda. Those items the Board discussed at greater length or which received specific questions or concerns included:

VI.B.1 Consideration of an Ordinance Establishing a Policy in Compliance with T.C.A. Section 47-18-2901 for the Protection of Confidential Information on Laptop Computers and Removable Storage Devices (AF: 87-2009). City Attorney Billingsley explained the need for this action to encrypt City equipment, such as thumbdrives, laptops, and Blackberry cell phones, in protecting the City from liability should confidential information be leaked. Alderman Shull asked if employees aren't already restricted from taking confidential information outside of their place of employment and City Attorney explained that many employees, especially police, have reason to access confidential information outside the City environment.

**Minutes of the Regular Work Session of the Board of Mayor and Aldermen of
Kingsport, Tennessee, Monday, May 4, 2009**

At this point in the meeting, Alderman Munsey requested the Board be provided with an update on the Riverwalk Project and Mr. Campbell said he would advise Board members of the properties acquired to date in connection with this project.

5. REVIEW SEVERAL ALTERNATIVES FOR BETTER CONNECTIVITY FROM STONE DRIVE TO NETHERLAND INN ROAD. Public Works Director Ryan McReynolds presented various alternatives and asked Board members for comment and input to provide MPO direction as to which connectivity avenue to pursue. The presentation invited Board discussion regarding various routes and costs entailed with each due to the involvement of the CSX train tracks and extent to which the tracks will be affected.

On a different subject, Mayor Phillips inquired about the timeframe on improvement of the Industry Drive intersection and Assistant to City Manager Chris McCartt indicated the current goal is to have the intersection operational by May 2010.

In response to an inquiry about the status of the Netherland Inn Road boat ramp, Mr. McCartt shared that permits are required from both TDEC (Tennessee Department of Environmental Conservation) and TVA (Tennessee Valley Authority) and have 60 to 90 days to respond. As soon as permission received, the City is ready to bid and is contemplating proceeding with the bidding process, contingent on received the required permission.

5. ADJOURN. Seeing no other matters presented for discussion at this work session, Mayor Phillips adjourned the meeting at 5:40 p.m.

ELIZABETH A. GILBERT
Deputy City Recorder

DENNIS R. PHILLIPS
Mayor

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, May 5, 2009, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Vice-Mayor Benjamin K. Mallicote

Alderman Larry A. Munsey

Alderman Patrick W. Shull

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:05 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by City Attorney Mike Billingsley.
- II.B. **INVOCATION:** by Pastor Kerry Doyal of the Grace Evangelical Free Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Charles K. Marsh, Jr.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

A. **PROCLAMATION TO CELEBRATE NATIONAL TRAVEL/TOURISM WEEK.** Mayor Phillips commended the Kingsport Convention and Visitors Bureau (KCVB) and invited Ms. Barbara Kite, KCVB Director of Group Tours, along with KCVB volunteer, Mr. Dave Taylor, to talk about area tourism. Mr. Taylor stated that Sullivan County tourism has generated around \$270 million, according to the last figures compiled in 2007. He mentioned some of the events scheduled around the county for next week to promote area tourism during *National Tourism Week*.

V. APPROVAL OF MINUTES.

Motion/Second: Mallicote/Munsey, to approve minutes for the following meetings:

A. April 20, 2009 Regular Work Session

B. April 21, 2009 Regular Business Meeting

Approved: All present voting "aye."

VI. COMMUNITY INTEREST ITEMS.

AA. **PUBLIC HEARINGS.** None.

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 5, 2009**

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance Establishing a Policy in Compliance with T.C.A. Section 47-18-2901 for the Protection of Confidential Information on Laptop Computers and Removable Storage Devices (AF: 87-2009).

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE ENACTING A POLICY CREATING SAFEGUARDS AND PROCEDURES FOR ENSURING CONFIDENTIAL INFORMATION REGARDING CITIZENS IS SECURELY PROTECTED ON ALL ON LAPTOP COMPUTERS AND REMOVABLE STORAGE DEVICES FOR THE CITY OF KINGSPORT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Mayor to Sign a Supplier Purchase Agreement Between the City of Kingsport and Domtar Paper Company, LLC for Selling Wood Chips to Domtar (AF: 120-2009).

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2009-223, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUPPLIER PURCHASE AGREEMENT BETWEEN THE CITY OF KINGSPORT AND DOMTAR PAPER COMPANY, LLC FOR THE SALE OF WOOD CHIPS TO DOMTAR PAPER COMPANY, LLC

Passed: All present voting "aye."

2. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the City of Bristol, TN as the Lead Entity for the Northeast TN/Southeast VA Home Consortium (AF: 118-2009).

Motion/Second: Mallicote/Munsey, to pass:

Resolution No. 2009-224, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE CITY OF BRISTOL, TENNESSEE AS LEAD ENTITY FOR THE NORTHEAST TENNESSEE/VIRGINIA HOME CONSORTIUM

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 5, 2009**

3. Consideration of a Resolution Authorizing the Mayor to Execute all Documents Necessary to Apply and Accept American Recovery and Reinvestment Funds, Section 5307, Federal Transit Administration Grant from the Department of Transportation (AF: 88-2009).

Motion/Second: Shupe/Munsey, to pass:

Resolution No. 2009-225, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE FEDERAL TRANSIT ADMINISTRATION SECTION 5307 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 GRANT FUNDS TO PURCHASE CAPITAL ITEMS FOR OPERATION OF A FIXED ROUTE BUS SERVICE AND ADA/HANDICAPPED TRANSPORTATION SERVICE IN THE CITY FOR FISCAL YEAR 2009

Passed: All present voting "aye."

4. Consideration of a Resolution Awarding the Bid for Additions and Alterations to John Sevier Middle School to Trademark of VA, Inc. and Authorizing the Mayor to Sign all Applicable Documents (AF: 125-2009).

Motion/Second: Shull/Mallicote, to pass:

Resolution No. 2009-226, A RESOLUTION AWARDED THE BID FOR ADDITIONS AND ALTERATIONS TO JOHN SEVIER MIDDLE SCHOOL TO TRADEMARK OF VA, INC. AND AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

5. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for the Manufacture and Installation of Classroom Furniture for John Adams Elementary School to Virco, Inc. (AF: 126-2009).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-227, A RESOLUTION AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER FOR THE MANUFACTURE AND INSTALLATION OF CLASSROOM FURNITURE FOR JOHN ADAMS ELEMENTARY SCHOOL TO VIRCO, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME

Passed: All present voting "aye."

6. Consideration of a Resolution Awarding the Bid for the Installation of a VOIP Telephone System for John Adams Elementary School to Black Box Network Services and Authorizing the Mayor to Sign all Applicable Documents (AF: 127-2009).

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2009-228, A RESOLUTION AWARDED THE BID FOR INSTALLATION OF A VOIP TELEPHONE SYSTEM FOR JOHN ADAMS

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 5, 2009**

ELEMENTARY SCHOOL AND ASSOCIATED EQUIPMENT INSTALLED AT DOBYNS-BENNETT HIGH SCHOOL TO BLACK BOX NETWORK SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

7. Consideration of a Resolution to Implement an Employee Dependent Scholarship Program (AF: 121-2009).

Motion/Second: Mallicote/Joh, to pass:

Resolution No. 2009-229, A RESOLUTION APPROVING IMPLEMENTATION THE KINGSFORT HOUSING AND REDEVELOPMENT AUTHORITY AND CITY OF KINGSFORT MUNICIPAL EMPLOYEE DEPENDENT SCHOLARSHIP PROGRAM

Passed: All present voting "aye."

8. Consideration of a Resolution to Authorize the Mayor to Execute a Contract for a Guaranteed Maximum Price with J.A. Street & Associates for the Early Construction Phase of the Meadowview Executive Conference Center (AF: 130-2009).

Motion/Second: Munsey/Joh, to pass:

Resolution No. 2009-230, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR A GUARANTEED MAXIMUM PRICE WITH J.A.STREET & ASSOCIATES FOR THE EARLY CONSTRUCTION PHASE OF THE MEADOWVIEW EXECUTIVE CONFERENCE CENTER

Passed: All present voting "aye," except Shull voting "nay."

9. Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Cab/Chassis Spray Injected Road Repair Machine to Premier Equipment, LLC (AF: 124-2009).

Motion/Second: Joh/Shull, to pass:

Resolution No. 2009-231, A RESOLUTION AWARDED THE BID FOR PURCHASE OF A CAB/CHASSIS SPRAY INJECTED ROAD REPAIR MACHINE TO PREMIER EQUIPMENT, LLC

Passed: All present voting "aye."

10. Consideration of a Resolution Authorizing the Mayor to Execute a Release (AF: 129-2009).

Motion/Second: Munsey/Mallicote, to pass:

Resolution No. 2009-232, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RELEASE DISCHARGING DAVID K. WAYE AND STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY FROM ANY AND ALL LIABILITY FOR MEDICAL EXPENSES PAID THROUGH WORKERS' COMPENSATION ARISING FROM AN AUTOMOBILE ACCIDENT ON AUGUST 31, 2006

Passed: All present voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 5, 2009**

11. Consideration of a Resolution Authorizing the Mayor to Sign all Documents Necessary to Apply and Receive an Appalachian Regional Commission Grant for Phase 1 of the Kingsport Riverwalk Project (AF: 131-2009).

Motion/Second: Shupe/Joh, to pass:

Resolution No. 2009-233, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE APPALACHIAN REGIONAL COMMISSION GRANT FUNDS FOR PHASE I OF THE KINGSFORT RIVERWALK PROJECT

Passed: All present voting "aye."

12. Consideration of a Resolution to Authorize the Mayor to Execute an Amendment to the Meadowview Management Agreement (AF: 133-2009).

Motion/Second: Munsey/Shull, to pass:

Resolution No. 2009-234, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO MANAGEMENT AGREEMENT BETWEEN THE CITY AND MARRIOTT HOTEL SERVICES, INC

Passed: All present voting "aye."

E. APPOINTMENTS.

1. Consideration of Appointments to the Stormwater Appeals Board (AF: 106-2009).

Motion/Second: Munsey/Joh, to approve the following inaugural appointments:

- MR. DENNIS WARD – PLANNING COMMISSION
- MR. JANTRY SHUPE – BOARD OF MAYOR AND ALDERMAN (non-voting position unless needed to break a tie in votes)
- MR. ALAN WEBB – PLANNING DIRECTOR
- MR. MIKE FREEMAN – BUILDING OFFICIAL

EACH TO SERVE A FIVE-YEAR TERM ON THE STORMWATER APPEALS BOARD

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Munsey/Shull, to adopt:

1. Consideration of an Ordinance to Amend General Project Fund Budget (AF: 108-2009).

Adopt:

Ordinance No. 5833, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Shull, Shupe and Phillips voting "aye."

**Minutes of the Regular Business Meeting of the Board of Mayor and Aldermen
of the City of Kingsport, Tennessee, Tuesday, May 5, 2009**

**2. Consideration of an Ordinance to Amend the Eastman
Annexation Tax Fund Budget (AF: 112-2009).**

Adopt:

**Ordinance No. 5834, AN ORDINANCE TO AMEND THE EASTMAN
ANNEXATION TAX FUND BUDGET; AND, TO FIX THE EFFECTIVE
DATE OF THIS ORDINANCE**

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Shull, Shupe and
Phillips voting "aye."

**3. Consideration of an Approval of Offer for Easement and Right-
of-Way for the Abilene Drive Pump Station Replacement Project (AF: 128 -2009).**

Approve:

**EASEMENT AND RIGHT-OF-WAY FOR THE ABILENE DRIVE PUMP STATION
REPLACEMENT PROJECT**

Passed in a roll call vote: Joh, Mallicote, Munsey, Shull, Shupe and Phillips voting
"aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell complimented those involved in the recognition the City has received as a Harvard Innovation Award semi-finalist and thanked former and current City leaders, as well as City staff, for all the work done to favorably impress the Vanderbilt evaluator who visited the City regarding its Higher Education programs. Mr. Campbell reminded everyone to vote in the upcoming May 19th election for its City officials.

B. MAYOR AND BOARD MEMBERS. Aldermen Joh and Shull mentioned a few of the activities going on around the City and the area and encouraged citizens to attend. Mayor Phillips mentioned the called meeting held just prior to this meeting with King College representatives and invited citizen input regarding the medical school subject which will be detailed in a newspaper article in tomorrow's Times News.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:40 p.m.

ELIZABETH A. GILBERT
Deputy City Recorder

DENNIS R. PHILLIPS
Mayor

**AGENDA ACTION FORM****Public Hearing and Consideration of Ordinances to Annex/ Amend Zoning of the RS1
Annexation and Consideration of a Resolution Adopting the Plan of Services**

To: Board of Mayor and Aldermen
From: John G. Campbell, City Manager

Action Form No.: AF: 122-2009
Work Session: May 18, 2009
First Reading: May 19, 2009

Final Adoption: June 2, 2009
Staff Work By: K. Weems
Presentation By: K. Weems

Recommendation:

- Hold public hearing
- Approve ordinance for the RS1 annexation
- Approve ordinance amending the zoning ordinance for the RS1 annexation
- Approve resolution adopting a plan of services for the annexation area

Executive Summary:

This is the "RS1" annexation of approximately 47 acres along Hidden Acres Road, Rock Springs Road, Hillview Court, Valleydale Drive, and Snapps Ferry Road, with a population of forty residents (vacant land single family uses). All property contained in this annexation has been petitioned for. The current county zoning of the area is R-1 (Single Family Residential) and A-1 (Agricultural & Residential). The proposed city zoning for the area is R-1B (Single Family) and PD (Planned Development). Adjacent zoning consists of City R-1B (Single Family Residential), City PD (Planned Development), and County A-1. Both water and sanitary sewer require an upgrade for this annexation. During its April 2009 regular meeting, the Kingsport Regional Planning Commission voted (5-1) to send a positive recommendation for the annexation, zoning, and plan of services to the Board of Mayor and Aldermen for this annexation. This item has received zero opposition as of April 29, 2009. The Notice of Public Hearing was published on May 4, 2009.

Attachments:

1. Staff Report
2. Notice of Public Hearing
3. Cost Analysis
4. Annexation Ordinance
5. Zoning Ordinance
6. Resolution
7. Map

*WATER & SEWER
FOR WHOLE AREA*

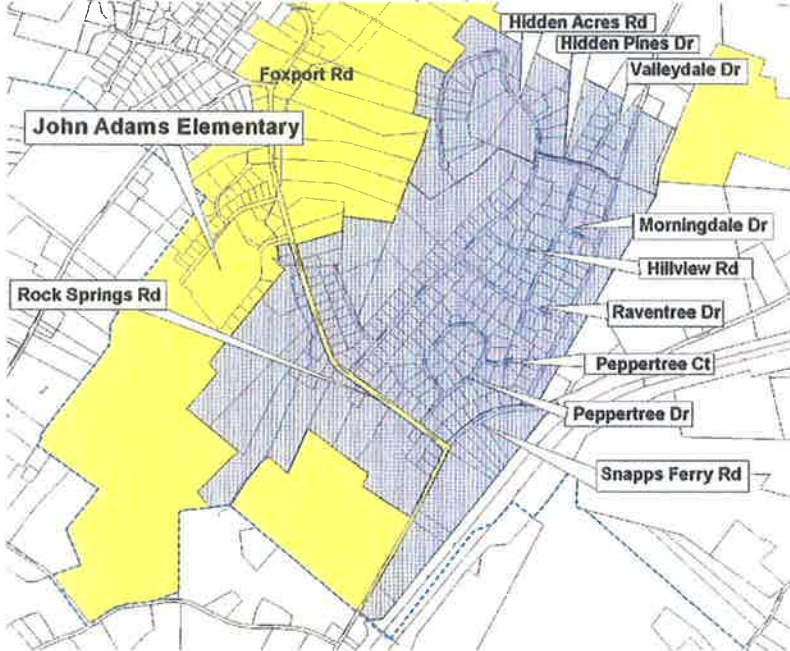
	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

Rock Springs 2009 Annexation boundaries and cost estimate explanations

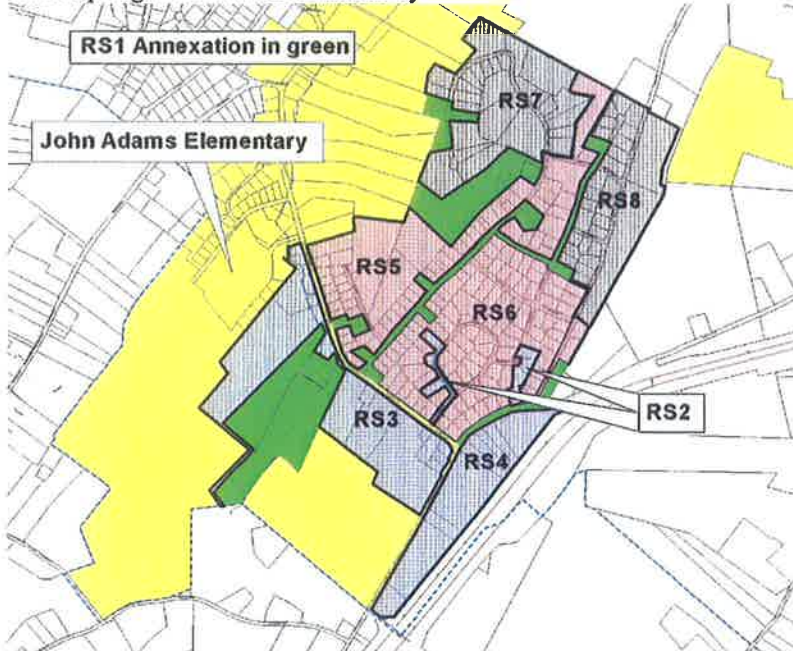
Please find the Rock Springs 2009 Annexation Area below (first graphic), shaded in blue. To provide the Planning Commission and Board of Mayor & Aldermen with meaningful cost estimates, it is necessary to account for the area as a whole.

Further, the 2009 Annexation Area has been split into 8 separate annexation area, thus expediting the area into the City as quick as possible (lessening the possibility of a lawsuit by taking in smaller areas as opposed to the area as a whole). A unique feature of the 8 areas is that they may be annexed independently as future potential lawsuits could dictate, as each one contains an outlet to the county (not allowing for doughnut holes).

Rock Springs 2009 Annexation Area (blue)



Rock Springs Annexation divisions by number:



ANNEXATION REPORT
RS1 ANNEXATION, FILE: 09-301-00003

TO: KINGSPORT REGIONAL PLANNING COMMISSION

FROM: Ken Weems, Planner

DATE: 26 March 2009

APPLICANT: City of Kingsport

REQUESTED ACTION: Owner petitioned annexation and zoning to an R-1B, Single Family District, and PD (Planned Development) District, of approximately 47 acres.

LOCATION: The property is located on the east and west side of Rock Springs Road (south of the Edinburgh Subdivision and east of the Urban Growth Boundary; best described as Tax Map 119H, parcels 1, 9, 10, 13, 15.10, 16.10, 17, 18, & 20; Tax Map 119G parcels 21, 23, 30, & 123; & Tax Map 119B, parcels 10, 13, 14, 15, & 23.

EXISTING LAND USE: Single Family Residential and vacant land

PROPOSED USE: Same single family use

SURROUNDING ZONING DISTRICTS & LAND USES:

General: The annexation area is surrounded by County A-1 (Agricultural), County R-1 (Single Family), and City R-1B (Single Family) zoning, with like uses. Additionally, the annexation area winds through the subdivisions of Hidden Acres and Vantage Pointe.

LAND USE PLAN (S):

The 2010 Land Use Plan addresses only a small portion of the annexation area; the portion described is the extreme northern part of the annexation area. The 2010 Plan's description is single family residential. The new Kingsport 2030 Land Use Plan (pending Planning Commission approval) describes this area as single family residential, with commercial uses identified between I-81 and Rock Springs Road.

UTILITIES:

Both City of Kingsport sanitary sewer and water service require an upgrade for this annexation.

TRANSPORTATION:

The streets included in this annexation area consist of: Hidden Acres Rd (3,200ft.), Hillview Ct (790ft), Valleydale Dr (1,580ft.), and Snapps Ferry Rd (1,100ft.); an approximate total of 6,670ft.

POPULATION:

The annexation area contains 40 residents.

OPTIONS: The Planning Commission's options are the following:

1. Send a favorable recommendation for annexation to the Board of Mayor and Alderman.
2. Recommend disapproving the annexation, stating the reasons in writing.
3. Postpone action until additional information is presented.

STAFF RECOMMENDATION:

The Planning Division recommends option #1, the annexation of the parcel identified in this study to the Planning Commission and the Board of Mayor and Aldermen. The rationale for this recommendation is based on the following:

1. The City of Kingsport should utilize annexation as urban development occurs and is necessary for present and future growth in an orderly manner.
2. Annexation spurs economic growth by providing basic services at a reasonable cost and allows those costs to be spread fairly to all who enjoy those services.
3. The City of Kingsport can provide services through its Plan of Services that the County cannot provide to the residents of the area.
4. It is reasonably necessary for the welfare of the residents and property owners of the affected territory.
5. It is reasonably necessary for the welfare of the residents and property owners of the municipality as a whole.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday, May 19, 2009, to consider the annexation, zoning, and plan of services for the RS1 annexation. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

The property proposed for annexation is generally described as follows:

Tract 1:

BEGINNING at a point, said point being the northern corner of parcel 16.10, Tax Map 119H, thence in a northeasterly direction approximately 265 feet to a point, said point being approximately 10 feet southwest of Rock Springs Road right-of-way and lying on the parcel boundary of parcel 15.10; thence in a northerly direction, following parallel to Rock Springs Road right-of-way, approximately 143 feet to a point; thence in a southwesterly direction, approximately 1,670 feet to a point, said point being approximately 10 feet northeast of parcel 11; thence in a southeasterly direction, following parallel to the boundary of parcel 11, approximately 446 feet to a point; thence in a southwesterly direction, approximately 645 feet to a point, said point being approximately 10 feet from the parcel boundary of parcel 11; thence in a southwesterly direction, approximately 190 feet to a point, said point being in common with the parcel boundary of parcel 22; thence in an easterly direction, approximately 222 feet to a point, said point being the western corner of parcel 21; thence in a northeasterly direction, approximately 720 feet to a point, said point being a corner of parcel 21 in common with parcel 17; thence in a southeasterly direction, approximately 290 feet to a point, said point being a corner of parcel 21 in common with parcel 17; thence in a northeasterly direction, approximately 1,290 feet to a point, said point being approximately 10 feet from the boundary of Rock Springs Road right-of-way; thence in a northwesterly direction following parallel to the western right-of-way of Rock Springs Road, approximately 240 feet to a point, said point lying on parcel 16.10, approximately 10 feet southwest of Rock Springs Road right-of-way; thence in a southwesterly direction, approximately 141 feet to a point, said point being the corner of parcel 16.10 in common with the southern corner of parcel 16; thence in a northwesterly direction, approximately 195 feet to the point of BEGINNING, and being a portion of parcels 15.10, 16.10, and 17, Tax Maps 119H and 119 I, as shown on the 2008 Sullivan County Tax Maps.

Tract 2:

BEGINNING at a point, said point being the northern corner of parcel 9, Tax Map 119H; thence in a southerly direction, following the western right-of-way of Foxport Road, approximately 208 feet to a point, said point being the eastern corner of parcel 10 in common with the western right-of-way of Foxport Road; thence in a southwesterly direction, approximately 186 feet to a point, said point being the southern corner of parcel 10; thence in a northwesterly direction, approximately 152 feet to a point, said point being the eastern corner of parcel 18; thence in a southwesterly direction, approximately 170 feet to a point, said point being the southern corner of parcel 18 in common with the eastern right-of-way of Rock Springs Road; thence in a northwesterly direction, following the eastern right-of-way of Rock Springs Road, approximately 100 feet to a point, said point being the western corner of parcel 18; thence in a northeasterly direction, approximately 170 feet to a point, said point being the northern corner of parcel 18; thence in a southeasterly direction, approximately 40 feet to a point, said point being the western corner of parcel 9; thence in a northeasterly direction, approximately 165 feet to the point of BEGINNING, and being all of parcels 9, 10, and 18, Tax Map 119H, as shown on the 2008 Sullivan County Tax Maps.

Tract 3:

BEGINNING at a point, said point being the northern corner of parcel 10, Tax Map 119B; thence in a southeasterly direction, approximately 205 feet to a point, said point being the eastern corner of parcel 10 in common with the northwestern right-of-way of Valleydale Drive; thence in a southeasterly direction, crossing the right-of-way of Valleydale Drive, approximately 50 feet to a point, said point being the southeastern right-of-way of Valleydale Drive in common with the northwestern boundary of parcel 2; thence in a southwestern direction, following the southeastern right-of-way of Valleydale Drive, approximately 1,480 feet to a point, said point being the southeastern right-of-way of Valleydale Drive in common with the northern corner of parcel 30, Tax Map 119G; thence in a southeasterly direction, approximately 233 feet to a point, said point being the eastern corner of parcel 30; thence in a southwesterly direction, approximately 128 feet to a point, said point being the southern corner of parcel 30; thence in a northwesterly direction, crossing the right-of-way of Valleydale Drive, approximately 285 feet to a point, said point being the northwestern right-of-way of Valley Dale Drive in common with the parcel boundary of parcel 7; thence in a northwesterly direction, following the western right-of-way of Hillview Road, approximately 770 feet to a point, said point being the northern corner of parcel 3 in common with the intersection of Hillview Road right-of-way and Hidden Acres Road right-of-way; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 1,140 feet to a point, said point being the northern corner of parcel 10, Tax Map 119H; thence in a southeasterly direction, approximately 199 feet to a point, said point being the eastern corner of parcel 10; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 10; thence in a northwesterly direction, approximately 199 feet to a point, said point being the western corner of parcel 10 in common with the southeastern right-of-way of Hidden Acres Road; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 800 feet to a point, said point being the northern corner of parcel 1; thence in a southeasterly direction, approximately 199 feet to a point, said point being the eastern corner of parcel 1; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 1; thence in a northwesterly direction, following the eastern right-of-way of Rock Springs Road, and crossing Hidden Acres Road, approximately 300 feet to a point, said point being the southern corner of parcel 14; thence in a northeasterly direction, following the northwestern right-of-way of Hidden Acres Road, approximately 122 feet to a point, said point being the southern corner of parcel 13; thence in a northwestern direction, approximately 202 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, approximately 136 feet to a point, said point being the northern corner of parcel 13; thence in a southeasterly direction, approximately 137 feet to a point, said point being the eastern corner of parcel 13 in common with the northwestern right-of-way of Hidden Acres Road; thence in a northeasterly direction, following the northwestern right-of-way of Hidden Acres Road, approximately 955 feet to a point, said point being the southern corner of parcel 20; thence in a northwesterly direction, approximately 200 feet to a point, said point being the western corner of parcel 20; thence in a northeasterly direction, approximately 100 feet to a point, said point being the northern corner of parcel 20; thence in a southeasterly direction, approximately 200 feet to a point, said point being the eastern corner of parcel 20 in common with the northwestern right-of-way of Hidden Acres Road; thence in a northeasterly direction, following the northwestern right-of-way of Hidden Acres Road, approximately 1,440 feet to a point, Tax Map 119B; thence in a southeasterly direction, crossing Hidden Acres Road, approximately 50 feet to a point, said point being the northern corner of parcel 22; thence in a southeasterly direction, approximately 226 feet to a point, said point being the eastern corner of parcel 22; thence in a southwesterly direction, approximately 178 feet to a point, said point being the southern corner of parcel 21, Tax Map 119G; thence in a westerly direction, approximately 133 feet to a point, said point being the southwestern corner of parcel 21; thence in a northwesterly direction, approximately 187 feet to a point, said point being the northwestern corner of parcel 21 in common with the southeastern right-of-way of Hidden Acres Road, Tax Map 119B; thence in a southwesterly direction, following the southeastern right-of-way of

Hidden Acres Road, approximately 230 feet to a point, said point being the western corner of parcel 20, Tax Map 119B; thence in a southeasterly direction, following the northeastern right-of-way of Hillview Road, approximately 680 feet to a point, said point being the southern corner of parcel 16; thence in a northeasterly direction, following the northwestern right-of-way of Valleydale Drive, approximately 1,360 feet to a point, said point being the southern corner of parcel 10, Tax Map 119B; thence in a northwesterly direction, approximately 205 feet to a point, said point being the western corner of parcel 10; thence in a northeasterly direction, approximately 140 feet to the point of BEGINNING, and being all of parcels 10, 21, and 22, Tax Map 119B, parcel 20, Tax Map 119G, parcels 1, 10, 13, and 20, Tax Map 119H, as well as a portion of Hidden Acres Road, approximately 2,722 feet in length, a portion of Hillview Road approximately 750 feet in length, and a portion of Valleydale Road, approximately 1,622 feet in length as shown on the 2008 Sullivan County Tax Maps.

Tract 4:

BEGINNING at a point, said point being the southern corner of parcel 26, Tax Map 119B, in common with the northwestern right-of-way of Hidden Acres Road; thence in a northwesterly direction, approximately 197 feet to a point, said point being the northern corner of parcel 27; thence in a southwesterly direction, approximately 1,100 feet to a point, said point being the southern corner of parcel 122; thence in a northwesterly direction, approximately 554 feet to a point, said point being the western corner of parcel 122; thence in a northeasterly direction, approximately 310 feet to a point, said point being the western corner of parcel 17; thence in a southeasterly direction, approximately 333 feet to a point, said point being the southern corner of parcel 17; thence in a northeasterly direction, approximately 958 feet to a point, said point being the eastern corner of parcel 18; thence in a southeasterly direction, approximately 420 feet to a point, said point being the eastern corner of parcel 122 in common with the northwestern right-of-way of Hidden Acres Road; thence, in a southwesterly direction, following the right-of-way of Hidden Acres Road approximately 270 feet to the point of BEGINNING, and being all of parcels 26 and 122, Tax Maps 119B, 119A, 119H, and 119G as shown on the April 2008 Sullivan County Tax Maps.

Tract 5:

BEGINNING at a point, said point being the northern corner of parcel 13, Tax Map 119A; thence in a southwesterly direction, approximately 237 feet to a point, said point being the western corner of parcel 14; thence in a southeasterly direction, approximately 199 feet to a point, said point being the northern corner of parcel 15; thence in a southwesterly direction, approximately 375 feet to a point, said point being the southern corner of parcel 15; thence in an easterly direction, crossing Hidden Acres Road, approximately 263 feet to a point, said point lying on the eastern right-of-way of Hidden Acres Road; thence in a northerly direction, approximately 320 feet to a point, said point being the southwestern corner of parcel 23; thence in an easterly direction, approximately 312 feet to a point, said point being the southeastern corner of parcel 23; thence in a northerly direction, approximately 77 feet to a point, said point being the northeast corner of parcel 23; thence in a northwesterly direction, approximately 310 feet to a point, said point being the northwest corner of parcel 23 in common with the eastern right-of-way of Hidden Acres Road; thence in a northerly direction, following the eastern right-of-way of Hidden Acres Road, approximately 80 feet to a point; thence in a northwesterly direction, crossing Hidden Acres Road, approximately 296 feet to the point of BEGINNING, and being all of parcels 13, 14, 15, and 23, Tax Maps 119A and 119B, as well as a portion of Hidden Acres Road totaling approximately 526 feet in length as shown on the April 2008 Sullivan County Tax Maps.

Tract 6:

BEGINNING at a point, said point being the northern corner of parcel 123, Tax Map 119G; thence in a southwesterly direction, approximately 550 feet to a point, said point being the southwestern corner of parcel 123 in common with the northern right-of-way of Snapps Ferry Road; thence in a westerly direction, following the northern right-of-way of Snapps Ferry Road, approximately 1,055 feet to a point, said point being the northern right-of-way of Snapps Ferry Road in common with the southern corner of parcel 2; thence in a southeastern direction, crossing Snapps Ferry Road, approximately 80 feet to a point, said point lying on the southern right-of-way of Snapps Ferry Road; thence in an easterly direction, in an arc, following the southern right-of-way of Snapps Ferry Road, approximately 1,095 feet to a point; thence in a northerly direction, crossing Snapps Ferry Road to a point, said point being the southeastern corner of parcel 123; thence in a northeasterly direction, approximately 540 feet to a point, said point being the eastern corner of parcel 123; thence in a northwesterly direction, approximately 136 feet to the point of BEGINNING, and being all of parcel 123, Tax Maps 119G and 119J, as well as a portion of Snapps Ferry Road, approximately 1,127 feet in length as shown on the April 2008 Sullivan County Tax Maps.

All interested persons are invited to attend this meeting and public hearing. A detailed map, description, and plan of services document is on file in the offices of the City Manager, Planning Manager, and Kingsport Library for inspection. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT
Liz Gilbert, City Clerk
P1T: 5/04/09

Rock Springs 2009 Annexation Area

COST/BENEFIT ANALYSIS (tax records as of 2 April 2009)

Revenues	One Time	Reoccurring	
Property Taxes	X	\$193,225.00	
State Shared	X	\$61,050.00	550 res x 111 (estimated)
Sewer Tap Fees	\$430,950.00	X	221 homes total
Total	\$430,950.00	\$254,275.00	

Expenses	One Time	Reoccurring
Operating Budget		
Street Lighting	172,867.00	22,867.00
Traffic Controls	7,350.00	0.00
Streets & Sanitation	0.00	72,310.00
Subtotal	180,217.00	95,177.00
Capital Budget		
Water	889,875.00	0.00
Sewer	4,650,000.00	0.00
Roads	100,133.00	0.00
Subtotal	5,640,008.00	0.00
Grand Total	5,820,225.00	95,177.00

vacant land in the annexation area, once subdivided and built out=

57 acres x 4 units per acre= 228 units @ 250K assessed value

translates to property tax of \$1,437.5 x 228 units = **\$327,750/ yr (future potential)**

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13TH and 15TH CIVIL DISTRICTS OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE RS1 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, a public hearing before the Board of Mayor and Aldermen of the City of Kingsport, Tennessee, was held on the 19th day of May, 2009, and notice thereof published in the Kingsport Times-News on the 4th day of May, 2009; and

WHEREAS, the property owners initiated the annexation of the territory herein described to the City of Kingsport; and

WHEREAS, the board of mayor and aldermen finds that the annexation will materially benefit the health, safety, and welfare of the citizens and property owners of the city and the territory annexed; and

WHEREAS, the annexation of such property is deemed necessary for the welfare of the residents and property owners thereof and the city as a whole; and

WHEREAS, a plan of services for this area was adopted by Resolution the 24th day of March, 2009 as required by Tenn. Code Ann., 6-51-102, et seq.

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. Pursuant to the authority conferred by Tennessee Code Annotated §6-51-102 et seq. there is here by annexed to the City of Kingsport, Tennessee, and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries: embracing that certain part of Civil District No. 13 and No. 15 of Sullivan County, Tennessee, and more fully described to-wit:

TRACT 1:

BEGINNING at a point, said point being the northern corner of parcel 16.10, Tax Map 119H, thence in a northeasterly direction approximately 265 feet to a point, said point being approximately 10 feet southwest of Rock Springs Road right-of-way and lying on the parcel boundary of parcel 15.10; thence in a northerly direction, following parallel to Rock Springs Road right-of-way, approximately 143 feet to a point; thence in a southwesterly direction, approximately 1,670 feet to a point, said point being approximately 10 feet northeast of parcel 11; thence in a southeasterly direction, following parallel to the boundary of parcel 11, approximately 446 feet to a point; thence in a southwesterly direction, approximately 645 feet to a point, said point

being approximately 10 feet from the parcel boundary of parcel 11; thence in a southwesterly direction, approximately 190 feet to a point, said point being in common with the parcel boundary of parcel 22; thence in an easterly direction, approximately 222 feet to a point, said point being the western corner of parcel 21; thence in a northeasterly direction, approximately 720 feet to a point, said point being a corner of parcel 21 in common with parcel 17; thence in a southeasterly direction, approximately 290 feet to a point, said point being a corner of parcel 21 in common with parcel 17; thence in a northeasterly direction, approximately 1,290 feet to a point, said point being approximately 10 feet from the boundary of Rock Springs Road right-of-way; thence in a northwesterly direction following parallel to the western right-of-way of Rock Springs Road, approximately 240 feet to a point, said point lying on parcel 16.10, approximately 10 feet southwest of Rock Springs Road right-of-way; thence in a southwesterly direction, approximately 141 feet to a point, said point being the corner of parcel 16.10 in common with the southern corner of parcel 16; thence in a northwesterly direction, approximately 195 feet to the point of BEGINNING, and being a portion of parcels 15.10, 16.10, and 17, Tax Maps 119H and 119 I, as shown on the 2008 Sullivan County Tax Maps.

TRACT 2:

BEGINNING at a point, said point being the northern corner of parcel 9, Tax Map 119H; thence in a southerly direction, following the western right-of-way of Foxport Road, approximately 208 feet to a point, said point being the eastern corner of parcel 10 in common with the western right-of-way of Foxport Road; thence in a southwesterly direction, approximately 186 feet to a point, said point being the southern corner of parcel 10; thence in a northwesterly direction, approximately 152 feet to a point, said point being the eastern corner of parcel 18; thence in a southwesterly direction, approximately 170 feet to a point, said point being the southern corner of parcel 18 in common with the eastern right-of-way of Rock Springs Road; thence in a northwesterly direction, following the eastern right-of-way of Rock Springs Road, approximately 100 feet to a point, said point being the western corner of parcel 18; thence in a northeasterly direction, approximately 170 feet to a point, said point being the northern corner of parcel 18; thence in a southeasterly direction, approximately 40 feet to a point, said point being the western corner of parcel 9; thence in a northeasterly direction, approximately 165 feet to the point of BEGINNING, and being all of parcels 9, 10, and 18, Tax Map 119H, as shown on the 2008 Sullivan County Tax Maps.

TRACT 3:

BEGINNING at a point, said point being the northern corner of parcel 10, Tax Map 119B; thence in a southeasterly direction, approximately 205 feet to a point, said point being the eastern corner of parcel 10 in common with the northwestern right-of-way of Valleydale Drive;

thence in a southeastern direction, crossing the right-of-way of Valleydale Drive, approximately 50 feet to a point, said point being the southeastern right-of-way of Valleydale Drive in common with the northwestern boundary of parcel 2; thence in a southwestern direction, following the southeastern right-of-way of Valleydale Drive, approximately 1,480 feet to a point, said point being the southeastern right-of-way of Valleydale Drive in common with the northern corner of parcel 30, Tax Map 119G; thence in a southeasterly direction, approximately 233 feet to a point, said point being the eastern corner of parcel 30; thence in a southwesterly direction, approximately 128 feet to a point, said point being the southern corner of parcel 30; thence in a northwesterly direction, crossing the right-of-way of Valleydale Drive, approximately 285 feet to a point, said point being the northwestern right-of-way of Valley Dale Drive in common with the parcel boundary of parcel 7; thence in a northwesterly direction, following the western right-of-way of Hillview Road, approximately 770 feet to a point, said point being the northern corner of parcel 3 in common with the intersection of Hillview Road right-of-way and Hidden Acres Road right-of-way; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 1,140 feet to a point, said point being the northern corner of parcel 10, Tax Map 119H; thence in a southeasterly direction, approximately 199 feet to a point, said point being the eastern corner of parcel 10; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 10; thence in a northwesterly direction, approximately 199 feet to a point, said point being the western corner of parcel 10 in common with the southeastern right-of-way of Hidden Acres Road; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 800 feet to a point, said point being the northern corner of parcel 1; thence in a southeasterly direction, approximately 199 feet to a point, said point being the eastern corner of parcel 1; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 1; thence in a northwesterly direction, following the eastern right-of-way of Rock Springs Road, and crossing Hidden Acres Road, approximately 300 feet to a point, said point being the southern corner of parcel 14; thence in a northeastern direction, following the northwestern right-of-way of Hidden Acres Road, approximately 122 feet to a point, said point being the southern corner of parcel 13; thence in a northwestern direction, approximately 202 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, approximately 136 feet to a point, said point being the northern corner of parcel 13; thence in a southeasterly direction, approximately 137 feet to a point, said point being the eastern corner of parcel 13 in common with the northwestern right-of-way of Hidden Acres Road; thence in a northeastern direction, following the northwestern right-of-way of Hidden Acres Road, approximately 955 feet to a point, said point being the southern corner of parcel 20; thence in a northwesterly direction, approximately 200 feet to a point, said point being the western corner of parcel 20;

thence in a northeasterly direction, approximately 100 feet to a point, said point being the northern corner of parcel 20; thence in a southeasterly direction, approximately 200 feet to a point, said point being the eastern corner of parcel 20 in common with the northwestern right-of-way of Hidden Acres Road; thence in a northeasterly direction, following the northwestern right-of-way of Hidden Acres Road, approximately 1,440 feet to a point, Tax Map 119B; thence in a southeasterly direction, crossing Hidden Acres Road, approximately 50 feet to a point, said point being the northern corner of parcel 22; thence in a southeasterly direction, approximately 226 feet to a point, said point being the eastern corner of parcel 22; thence in a southwesterly direction, approximately 178 feet to a point, said point being the southern corner of parcel 21, Tax Map 119G; thence in a westerly direction, approximately 133 feet to a point, said point being the southwestern corner of parcel 21; thence in a northwesterly direction, approximately 187 feet to a point, said point being the northwestern corner of parcel 21 in common with the southeastern right-of-way of Hidden Acres Road, Tax Map 119B; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 230 feet to a point, said point being the western corner of parcel 20, Tax Map 119B; thence in a southeasterly direction, following the northeastern right-of-way of Hillview Road, approximately 680 feet to a point, said point being the southern corner of parcel 16; thence in a northeasterly direction, following the northwestern right-of-way of Valleydale Drive, approximately 1,360 feet to a point, said point being the southern corner of parcel 10, Tax Map 119B; thence in a northwesterly direction, approximately 205 feet to a point, said point being the western corner of parcel 10; thence in a northeasterly direction, approximately 140 feet to the point of BEGINNING, and being all of parcels 10, 21, and 22, Tax Map 119B, parcel 20, Tax Map 119G, parcels 1, 10, 13, and 20, Tax Map 119H, as well as a portion of Hidden Acres Road, approximately 2,722 feet in length, a portion of Hillview Road approximately 750 feet in length, and a portion of Valleydale Road, approximately 1,622 feet in length as shown on the 2008 Sullivan County Tax Maps.

TRACT 4:

BEGINNING at a point, said point being the southern corner of parcel 26, Tax Map 119B, in common with the northwestern right-of-way of Hidden Acres Road; thence in a northwesterly direction, approximately 197 feet to a point, said point being the northern corner of parcel 27; thence in a southwesterly direction, approximately 1,100 feet to a point, said point being the southern corner of parcel 122; thence in a northwesterly direction, approximately 554 feet to a point, said point being the western corner of parcel 122; thence in a northeasterly direction, approximately 310 feet to a point, said point being the western corner of parcel 17; thence in a southeasterly direction, approximately 333 feet to a point, said point being the southern corner of parcel 17; thence in a northeasterly direction,

approximately 958 feet to a point, said point being the eastern corner of parcel 18; thence in a southeasterly direction, approximately 420 feet to a point, said point being the eastern corner of parcel 122 in common with the northwestern right-of-way of Hidden Acres Road; thence, in a southwesterly direction, following the right-of-way of Hidden Acres Road approximately 270 feet to the point of BEGINNING, and being all of parcels 26 and 122, Tax Maps 119B, 119A, 119H, and 119G as shown on the April 2008 Sullivan County Tax Maps.

TRACT 5:

BEGINNING at a point, said point being the northern corner of parcel 13, Tax Map 119A; thence in a southwesterly direction, approximately 237 feet to a point, said point being the western corner of parcel 14; thence in a southeasterly direction, approximately 199 feet to a point, said point being the northern corner of parcel 15; thence in a southwesterly direction, approximately 375 feet to a point, said point being the southern corner of parcel 15; thence in an easterly direction, crossing Hidden Acres Road, approximately 263 feet to a point, said point lying on the eastern right-of-way of Hidden Acres Road; thence in a northerly direction, approximately 320 feet to a point, said point being the southwestern corner of parcel 23; thence in an easterly direction, approximately 312 feet to a point, said point being the southeastern corner of parcel 23; thence in a northerly direction, approximately 77 feet to a point, said point being the northeast corner of parcel 23; thence in a northwesterly direction, approximately 310 feet to a point, said point being the northwest corner of parcel 23 in common with the eastern right-of-way of Hidden Acres Road; thence in a northerly direction, following the eastern right-of-way of Hidden Acres Road, approximately 80 feet to a point; thence in a northwesterly direction, crossing Hidden Acres Road, approximately 296 feet to the point of BEGINNING, and being all of parcels 13, 14, 15, and 23, Tax Maps 119A and 119B, as well as a portion of Hidden Acres Road totaling approximately 526 feet in length as shown on the April 2008 Sullivan County Tax Maps.

TRACT 6:

BEGINNING at a point, said point being the northern corner of parcel 123, Tax Map 119G; thence in a southwesterly direction, approximately 550 feet to a point, said point being the southwestern corner of parcel 123 in common with the northern right-of-way of Snapps Ferry Road; thence in a westerly direction, following the northern right-of-way of Snapps Ferry Road, approximately 1,055 feet to a point, said point being the northern right-of-way of Snapps Ferry Road in common with the southern corner of parcel 2; thence in a southeastern direction, crossing Snapps Ferry Road, approximately 80 feet to a point, said point lying on the southern right-of-way of Snapps Ferry Road; thence in an easterly direction, in an arc,

following the southern right-of-way of Snapps Ferry Road, approximately 1,095 feet to a point; thence in a northerly direction, crossing Snapps Ferry Road to a point, said point being the southeastern corner of parcel 123; thence in a northeasterly direction, approximately 540 feet to a point, said point being the eastern corner of parcel 123; thence in a northwesterly direction, approximately 136 feet to the point of BEGINNING, and being all of parcel 123, Tax Maps 119G and 119J, as well as a portion of Snapps Ferry Road, approximately 1,127 feet in length as shown on the April 2008 Sullivan County Tax Maps.

SECTION II. That this ordinance shall take effect from and after the date of its passage, as the law directs, the public welfare of the citizens of Kingsport, Tennessee, requiring it.

DENNIS R. PHILLIPS
Mayor

ATTEST:

APPROVED AS TO FORM:

ELIZABETH A. GILBERT
Deputy City Recorder

J. MICHAEL BILLINGSLEY
City Attorney

PASSED ON 1ST READING _____
PASSED ON 2ND READING _____

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD, FOXPORT ROAD, HIDDEN ACRES ROAD, HILLVIEW COURT, VALLEYDALE DRIVE, AND SNAPPS FERRY ROAD TO R-1B, RESIDENTIAL DISTRICT, AND PD, PLANNED DEVELOPMENT IN THE 13th and 15th CIVIL DISTRICTS OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, AS FOLLOWS:

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along Rock Springs Road, Foxport Road, Hidden Acres Road, Hillview Court, Valleydale Drive, and Snapps Ferry Road to R-1B, Residential District in the 13th and 15th Civil Districts of Sullivan County; said property to be rezoned being further and more particularly described as follows:

TRACT 1:

BEGINNING at a point, said point being the northern corner of parcel 16.10, Tax Map 119H; thence in a southwesterly direction, approximately 1,630 feet to a point, said point being the southern corner of parcel 15.10; thence in a northwesterly direction, approximately 65 feet to a point; thence in a southwesterly direction, approximately 635 feet to a point, said point being approximately 10 feet from the parcel boundary of parcel 11; thence in a southwesterly direction, approximately 190 feet to a point, said point being in common with the parcel boundary of parcel 22; thence in an easterly direction, approximately 222 feet to a point, said point being the western corner of parcel 21; thence in a northeasterly direction, approximately 720 feet to a point, said point being a corner of parcel 21 in common with parcel 17; thence in a southeasterly direction, approximately 290 feet to a point, said point being a corner of parcel 21 in common with parcel 17; thence in a northeasterly direction, approximately 1,290 feet to a point, said point being approximately 10 feet from the boundary of Rock Springs Road right-of-way; thence in a northwesterly direction following parallel to the western right-of-way of Rock Springs Road, approximately 240 feet to a point, said point lying on parcel 16.10, approximately 10 feet southwest of Rock Springs Road right-of-way; thence in a southwesterly direction, approximately 141 feet to a point, said point being the corner of parcel 16.10 in common with the southern corner of parcel 16; thence in a northwesterly direction, approximately 195 feet to the point of BEGINNING, and being a portion of parcels 16.10, and 17, Tax Maps 119H and 119 I, as shown on the 2008 Sullivan County Tax Maps.

TRACT 2:

BEGINNING at a point, said point being the northern corner of parcel 9, Tax Map 119H; thence in a southerly direction, following the western right-of-way of Foxport Road, approximately 208 feet to a point, said point being the eastern corner of parcel 10 in common with the western right-of-way of Foxport Road; thence in a southwesterly direction, approximately 186 feet to a point, said point being the southern corner of parcel 10; thence in a northwesterly direction, approximately 152 feet to a point, said point being the eastern corner of parcel 18; thence in a southwesterly direction, approximately 170 feet to a point, said point being the southern corner of parcel 18 in common with the eastern right-of-way of Rock Springs Road; thence in a northwesterly direction, following the eastern right-of-way of Rock Springs Road, approximately 100 feet to a point, said point being the western corner of parcel 18; thence in a northeasterly direction, approximately 170 feet to a point, said point being the northern corner of parcel 18; thence in a southeasterly direction, approximately 40 feet to a point, said point being the western corner of parcel 9; thence in a northeasterly direction, approximately 165 feet to the point of BEGINNING, and being all of parcels 9, 10, and 18, Tax Map 119H, as shown on the 2008 Sullivan County Tax Maps.

TRACT 3:

BEGINNING at a point, said point being the northern corner of parcel 10, Tax Map 119B; thence in a southeasterly direction, approximately 205 feet to a point, said point being the eastern corner of parcel 10 in common with the northwestern right-of-way of Valleydale Drive; thence in a southeastern direction, crossing the right-of-way of Valleydale Drive, approximately 50 feet to a point, said point being the southeastern right-of-way of Valleydale Drive in common with the northwestern boundary of parcel 2; thence in a southwestern direction, following the southeastern right-of-way of Valleydale Drive, approximately 1,480 feet to a point, said point being the southeastern right-of-way of Valleydale Drive in common with the northern corner of parcel 30, Tax Map 119G; thence in a southeasterly direction, approximately 233 feet to a point, said point being the eastern corner of parcel 30; thence in a southwesterly direction, approximately 128 feet to a point, said point being the southern corner of parcel 30; thence in a northwesterly direction, crossing the right-of-way of Valleydale Drive, approximately 285 feet to a point, said point being the northwestern right-of-way of Valleydale Drive in common with the parcel boundary of parcel 7; thence in a northwesterly direction, following the western right-of-way of Hillview Road, approximately 770 feet to a point, said point being the northern corner of parcel 3 in common with the intersection of Hillview Road right-of-way and Hidden Acres Road right-of-way; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 1,140 feet to a point, said point being the northern corner of parcel 10, Tax Map 119H; thence in a

southeasterly direction, approximately 199 feet to a point, said point being the eastern corner of parcel 10; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 10; thence in a northwesterly direction, approximately 199 feet to a point, said point being the western corner of parcel 10 in common with the southeastern right-of-way of Hidden Acres Road; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 800 feet to a point, said point being the northern corner of parcel 1; thence in a southeasterly direction, approximately 199 feet to a point, said point being the eastern corner of parcel 1; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 1; thence in a northwesterly direction, following the eastern right-of-way of Rock Springs Road, and crossing Hidden Acres Road, approximately 300 feet to a point, said point being the southern corner of parcel 14; thence in a northeastern direction, following the northwestern right-of-way of Hidden Acres Road, approximately 122 feet to a point, said point being the southern corner of parcel 13; thence in a northwestern direction, approximately 202 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, approximately 136 feet to a point, said point being the northern corner of parcel 13; thence in a southeasterly direction, approximately 137 feet to a point, said point being the eastern corner of parcel 13 in common with the northwestern right-of-way of Hidden Acres Road; thence in a northeastern direction, following the northwestern right-of-way of Hidden Acres Road, approximately 955 feet to a point, said point being the southern corner of parcel 20; thence in a northwesterly direction, approximately 200 feet to a point, said point being the western corner of parcel 20; thence in a northeasterly direction, approximately 100 feet to a point, said point being the northern corner of parcel 20; thence in a southeasterly direction, approximately 200 feet to a point, said point being the eastern corner of parcel 20 in common with the northwestern right-of-way of Hidden Acres Road; thence in a northeasterly direction, following the northwestern right-of-way of Hidden Acres Road, approximately 1,440 feet to a point, Tax Map 119B; thence in a southeasterly direction, crossing Hidden Acres Road, approximately 50 feet to a point, said point being the northern corner of parcel 22; thence in a southeasterly direction, approximately 226 feet to a point, said point being the eastern corner of parcel 22; thence in a southwesterly direction, approximately 178 feet to a point, said point being the southern corner of parcel 21, Tax Map 119G; thence in a westerly direction, approximately 133 feet to a point, said point being the southwestern corner of parcel 21; thence in a northwesterly direction, approximately 187 feet to a point, said point being the northwestern corner of parcel 21 in common with the southeastern right-of-way of Hidden Acres Road, Tax Map 119B; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 230 feet to a point, said point

being the western corner of parcel 20, Tax Map 119B; thence in a southeasterly direction, following the northeastern right-of-way of Hillview Road, approximately 680 feet to a point, said point being the southern corner of parcel 16; thence in a northeasterly direction, following the northwestern right-of-way of Valleydale Drive, approximately 1,360 feet to a point, said point being the southern corner of parcel 10, Tax Map 119B; thence in a northwesterly direction, approximately 205 feet to a point, said point being the western corner of parcel 10; thence in a northeasterly direction, approximately 140 feet to the point of BEGINNING, and being all of parcels 10, 21, and 22, Tax Map 119B, parcel 20, Tax Map 119G, parcels 1, 10, 13, and 20, Tax Map 119H, as well as a portion of Hidden Acres Road, approximately 2,722 feet in length, a portion of Hillview Road approximately 750 feet in length, and a portion of Valleydale Road, approximately 1,622 feet in length as shown on the 2008 Sullivan County Tax Maps.

TRACT 4:

BEGINNING at a point, said point being the southern corner of parcel 26, Tax Map 119B, in common with the northwestern right-of-way of Hidden Acres Road; thence in a northwesterly direction, approximately 197 feet to a point, said point being the northern corner of parcel 27; thence in a southwesterly direction, approximately 1,100 feet to a point, said point being the southern corner of parcel 122; thence in a northwesterly direction, approximately 554 feet to a point, said point being the western corner of parcel 122; thence in a northeasterly direction, approximately 310 feet to a point, said point being the western corner of parcel 17; thence in a southeasterly direction, approximately 333 feet to a point, said point being the southern corner of parcel 17; thence in a northeasterly direction, approximately 958 feet to a point, said point being the eastern corner of parcel 18; thence in a southeasterly direction, approximately 420 feet to a point, said point being the eastern corner of parcel 122 in common with the northwestern right-of-way of Hidden Acres Road; thence, in a southwesterly direction, following the right-of-way of Hidden Acres Road approximately 270 feet to the point of BEGINNING, and being all of parcels 26 and 122, Tax Maps 119B, 119A, 119H, and 119G as shown on the April 2008 Sullivan County Tax Maps.

TRACT 5:

BEGINNING at a point, said point being the northern corner of parcel 13, Tax Map 119A; thence in a southwesterly direction, approximately 237 feet to a point, said point being the western corner of parcel 14; thence in a southeasterly direction, approximately 199 feet to a point, said point being the northern corner of parcel 15; thence in a southwesterly direction, approximately 375 feet to a point, said point being the southern corner of parcel 15; thence in an easterly direction, crossing

Hidden Acres Road, approximately 263 feet to a point, said point lying on the eastern right-of-way of Hidden Acres Road; thence in a northerly direction, approximately 320 feet to a point, said point being the southwestern corner of parcel 23; thence in an easterly direction, approximately 312 feet to a point, said point being the southeastern corner of parcel 23; thence in a northerly direction, approximately 77 feet to a point, said point being the northeast corner of parcel 23; thence in a northwesterly direction, approximately 310 feet to a point, said point being the northwest corner of parcel 23 in common with the eastern right-of-way of Hidden Acres Road; thence in a northerly direction, following the eastern right-of-way of Hidden Acres Road, approximately 80 feet to a point; thence in a northwesterly direction, crossing Hidden Acres Road, approximately 296 feet to the point of BEGINNING, and being all of parcels 13, 14, 15, and 23, Tax Maps 119A and 119B, as well as a portion of Hidden Acres Road totaling approximately 526 feet in length as shown on the April 2008 Sullivan County Tax Maps.

TRACT 6:

BEGINNING at a point, said point being the northern corner of parcel 123, Tax Map 119G; thence in a southwesterly direction, approximately 550 feet to a point, said point being the southwestern corner of parcel 123 in common with the northern right-of-way of Snapps Ferry Road; thence in a westerly direction, following the northern right-of-way of Snapps Ferry Road, approximately 1,055 feet to a point, said point being the northern right-of-way of Snapps Ferry Road in common with the southern corner of parcel 2; thence in a southeastern direction, crossing Snapps Ferry Road, approximately 80 feet to a point, said point lying on the southern right-of-way of Snapps Ferry Road; thence in an easterly direction, in an arc, following the southern right-of-way of Snapps Ferry Road, approximately 1,095 feet to a point; thence in a northerly direction, crossing Snapps Ferry Road to a point, said point being the southeastern corner of parcel 123; thence in a northeasterly direction, approximately 540 feet to a point, said point being the eastern corner of parcel 123; thence in a northwesterly direction, approximately 136 feet to the point of BEGINNING, and being all of parcel 123, Tax Maps 119G and 119J, as well as a portion of Snapps Ferry Road, approximately 1,127 feet in length as shown on the April 2008 Sullivan County Tax Maps.

SECTION II. That the zoning code, text, and map, be and the same is hereby further amended to rezone property along Rock Springs Road to PD, Planned Development in the 15th Civil District of Sullivan County; said property to be rezoned being further and more particularly described as follows:

BEGINNING at a point, said point being the northern corner of parcel 16.10, Tax Map 119H, thence in a northeasterly direction approximately 265 feet to a point, said point being approximately 10 feet southwest of Rock Springs Road right-of-way and lying on

the parcel boundary of parcel 15.10; thence in a northerly direction, following parallel to Rock Springs Road right-of-way , approximately 143 feet to a point; thence in a southwesterly direction, approximately 1,670 feet to a point, said point being approximately 10 feet northeast of parcel 11; thence in a southeasterly direction, following parallel to the boundary of parcel 11, approximately 446 feet to a point; thence in a southwesterly direction, approximately 10 feet to a point, said point rejoining the parcel boundary of parcel 15.10; thence in a southeasterly direction, approximately 65 feet to a point, said point being the southern corner of parcel 15.10; thence in a northeasterly direction, approximately 1,362 feet to the point of BEGINNING, and being a portion of parcel 15.10, Tax Map 119H, as shown on the 2008 Sullivan County Tax Maps.

SECTION III. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION IV. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

DENNIS R. PHILLIPS
Mayor

ATTEST:

ELIZABETH A. GILBERT
Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney

PASSED ON 1ST READING _____
PASSED ON 2ND READING _____

RESOLUTION NO.

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE RS1 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

WHEREAS, before any territories may be annexed under Tennessee Code Annotated §6-51-102, the governing body shall have previously adopted a plan of services setting forth the identification and timing of municipal services; and

WHEREAS, before any such plan of services shall have been adopted, it must have been submitted to the local planning commission for study and a written report; and

WHEREAS, a plan of services for the proposed RS1 annexation was submitted to the Kingsport Regional Planning Commission on April 16, 2009, for its consideration and a written report; and

WHEREAS, prior to the adoption of a plan of services, the City shall hold a public hearing; and

WHEREAS, a public hearing was held May 19, 2009; and

WHEREAS, notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the municipality a minimum of seven (7) days prior to the hearing; and

WHEREAS, notice of the time and place of the public hearing was published in the Kingsport Times-News on May 4, 2009; and

WHEREAS, the City of Kingsport, pursuant to the provisions of Tennessee Code Annotated, §6-51-102 has endeavored to annex a portion of the 13th and 15th Civil Districts of Sullivan County, Tennessee, commonly known as the RS1 Annexation, said area being bounded and further described as follows:

TRACT 1:

BEGINNING at a point, said point being the northern corner of parcel 16.10, Tax Map 119H, thence in a northeasterly direction approximately 265 feet to a point, said point being approximately 10 feet southwest of Rock Springs Road right-of-way and lying on the parcel boundary of parcel 15.10; thence in a northerly direction, following parallel to Rock Springs Road right-of-way, approximately 143 feet to a point; thence in a southwesterly direction, approximately 1,670 feet to a point, said point being approximately 10 feet northeast of parcel 11; thence in a southeasterly direction, following parallel to the boundary of parcel 11, approximately 446 feet to a point; thence in a southwesterly direction, approximately 645 feet to a point, said point being approximately 10 feet from the parcel boundary of parcel 11; thence in a southwesterly direction, approximately

190 feet to a point, said point being in common with the parcel boundary of parcel 22; thence in an easterly direction, approximately 222 feet to a point, said point being the western corner of parcel 21; thence in a northeasterly direction, approximately 720 feet to a point, said point being a corner of parcel 21 in common with parcel 17; thence in a southeasterly direction, approximately 290 feet to a point, said point being a corner of parcel 21 in common with parcel 17; thence in a northeasterly direction, approximately 1,290 feet to a point, said point being approximately 10 feet from the boundary of Rock Springs Road right-of-way; thence in a northwesterly direction following parallel to the western right-of-way of Rock Springs Road, approximately 240 feet to a point, said point lying on parcel 16.10, approximately 10 feet southwest of Rock Springs Road right-of-way; thence in a southwesterly direction, approximately 141 feet to a point, said point being the corner of parcel 16.10 in common with the southern corner of parcel 16; thence in a northwesterly direction, approximately 195 feet to the point of BEGINNING, and being a portion of parcels 15.10, 16.10, and 17, Tax Maps 119H and 119 I, as shown on the 2008 Sullivan County Tax Maps.

TRACT 2:

BEGINNING at a point, said point being the northern corner of parcel 9, Tax Map 119H; thence in a southerly direction, following the western right-of-way of Foxport Road, approximately 208 feet to a point, said point being the eastern corner of parcel 10 in common with the western right-of-way of Foxport Road; thence in a southwesterly direction, approximately 186 feet to a point, said point being the southern corner of parcel 10; thence in a northwesterly direction, approximately 152 feet to a point, said point being the eastern corner of parcel 18; thence in a southwesterly direction, approximately 170 feet to a point, said point being the southern corner of parcel 18 in common with the eastern right-of-way of Rock Springs Road; thence in a northwesterly direction, following the eastern right-of-way of Rock Springs Road, approximately 100 feet to a point, said point being the western corner of parcel 18; thence in a northeasterly direction, approximately 170 feet to a point, said point being the northern corner of parcel 18; thence in a southeasterly direction, approximately 40 feet to a point, said point being the western corner of parcel 9; thence in a northeasterly direction, approximately 165 feet to the point of BEGINNING, and being all of parcels 9, 10, and 18, Tax Map 119H, as shown on the 2008 Sullivan County Tax Maps.

TRACT 3:

BEGINNING at a point, said point being the northern corner of parcel 10, Tax Map 119B; thence in a southeasterly direction, approximately 205 feet to a point, said point being the eastern corner of parcel 10 in common with the northwestern right-of-way of Valleydale Drive; thence in a southeastern direction, crossing the right-of-way of Valleydale Drive, approximately 50 feet to a point, said point being the southeastern right-of-way of Valleydale Drive in common with the northwestern boundary of parcel 2; thence in a southwestern direction, following the southeastern right-of-way of Valleydale Drive, approximately 1,480 feet to a point, said point being the southeastern right-of-way of Valleydale Drive in common with the northern corner of parcel 30, Tax Map 119G; thence in a southeasterly direction, approximately 233 feet to a point, said point being the eastern corner of parcel 30; thence in a southwesterly direction, approximately 128 feet to a point, said point being the southern corner of parcel 30; thence in a northwesterly direction, crossing the right-of-way of Valleydale Drive, approximately 285 feet to a point, said point being the northwestern right-of-way of Valley Dale Drive in common with the parcel boundary of parcel 7; thence in a northwesterly direction, following the western right-of-way of Hillview Road, approximately 770 feet to a point, said point being the northern corner of parcel 3 in common with the intersection of Hillview Road right-of-way and Hidden Acres Road right-of-way; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 1,140 feet to a point, said point being the northern corner of parcel 10, Tax Map 119H; thence in a southeasterly direction, approximately 199 feet to a point, said point being the eastern corner of parcel 10; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 10; thence in a northwesterly direction, approximately 199 feet to a point, said point being the western corner of parcel 10 in common with the southeastern right-of-way of Hidden Acres Road; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 800 feet to a point, said point being the northern corner of parcel 1; thence in a southeasterly direction, approximately 199 feet to a point, said point being the eastern corner of parcel 1; thence in a southwesterly direction, approximately 100 feet to a point, said point being the southern corner of parcel 1; thence in a northwesterly direction, following the eastern right-of-way of Rock Springs Road, and crossing Hidden Acres Road, approximately 300 feet to a point, said point being the southern corner of parcel 14; thence in a northeastern direction, following the northwestern right-of-way of Hidden Acres Road, approximately 122 feet to a point, said point being the southern corner of parcel 13; thence in a northwestern direction,

approximately 202 feet to a point, said point being the western corner of parcel 13; thence in a northeasterly direction, approximately 136 feet to a point, said point being the northern corner of parcel 13; thence in a southeasterly direction, approximately 137 feet to a point, said point being the eastern corner of parcel 13 in common with the northwestern right-of-way of Hidden Acres Road; thence in a northeasterly direction, following the northwestern right-of-way of Hidden Acres Road, approximately 955 feet to a point, said point being the southern corner of parcel 20; thence in a northwesterly direction, approximately 200 feet to a point, said point being the western corner of parcel 20; thence in a northeasterly direction, approximately 100 feet to a point, said point being the northern corner of parcel 20; thence in a southeasterly direction, approximately 200 feet to a point, said point being the eastern corner of parcel 20 in common with the northwestern right-of-way of Hidden Acres Road; thence in a northeasterly direction, following the northwestern right-of-way of Hidden Acres Road, approximately 1,440 feet to a point, Tax Map 119B; thence in a southeasterly direction, crossing Hidden Acres Road, approximately 50 feet to a point, said point being the northern corner of parcel 22; thence in a southeasterly direction, approximately 226 feet to a point, said point being the eastern corner of parcel 22; thence in a southwesterly direction, approximately 178 feet to a point, said point being the southern corner of parcel 21, Tax Map 119G; thence in a westerly direction, approximately 133 feet to a point, said point being the southwestern corner of parcel 21; thence in a northwesterly direction, approximately 187 feet to a point, said point being the northwestern corner of parcel 21 in common with the southeastern right-of-way of Hidden Acres Road, Tax Map 119B; thence in a southwesterly direction, following the southeastern right-of-way of Hidden Acres Road, approximately 230 feet to a point, said point being the western corner of parcel 20, Tax Map 119B; thence in a southeasterly direction, following the northeastern right-of-way of Hillview Road, approximately 680 feet to a point, said point being the southern corner of parcel 16; thence in a northeasterly direction, following the northwestern right-of-way of Valleydale Drive, approximately 1,360 feet to a point, said point being the southern corner of parcel 10, Tax Map 119B; thence in a northwesterly direction, approximately 205 feet to a point, said point being the western corner of parcel 10; thence in a northeasterly direction, approximately 140 feet to the point of BEGINNING, and being all of parcels 10, 21, and 22, Tax Map 119B, parcel 20, Tax Map 119G, parcels 1, 10, 13, and 20, Tax Map 119H, as well as a portion of Hidden Acres Road, approximately 2,722 feet in length, a portion of Hillview Road approximately 750 feet in length, and a portion of Valleydale Road, approximately 1,622 feet in length as shown on the 2008 Sullivan County Tax Maps.

TRACT 4:

BEGINNING at a point, said point being the southern corner of parcel 26, Tax Map 119B, in common with the northwestern right-of-way of Hidden Acres Road; thence in a northwesterly direction, approximately 197 feet to a point, said point being the northern corner of parcel 27; thence in a southwesterly direction, approximately 1,100 feet to a point, said point being the southern corner of parcel 122; thence in a northwesterly direction, approximately 554 feet to a point, said point being the western corner of parcel 122; thence in a northeasterly direction, approximately 310 feet to a point, said point being the western corner of parcel 17; thence in a southeasterly direction, approximately 333 feet to a point, said point being the southern corner of parcel 17; thence in a northeasterly direction, approximately 958 feet to a point, said point being the eastern corner of parcel 18; thence in a southeasterly direction, approximately 420 feet to a point, said point being the eastern corner of parcel 122 in common with the northwestern right-of-way of Hidden Acres Road; thence, in a southwesterly direction, following the right-of-way of Hidden Acres Road approximately 270 feet to the point of BEGINNING, and being all of parcels 26 and 122, Tax Maps 119B, 119A, 119H, and 119G as shown on the April 2008 Sullivan County Tax Maps.

TRACT 5:

BEGINNING at a point, said point being the northern corner of parcel 13, Tax Map 119A; thence in a southwesterly direction, approximately 237 feet to a point, said point being the western corner of parcel 14; thence in a southeasterly direction, approximately 199 feet to a point, said point being the northern corner of parcel 15; thence in a southwesterly direction, approximately 375 feet to a point, said point being the southern corner of parcel 15; thence in an easterly direction, crossing Hidden Acres Road, approximately 263 feet to a point, said point lying on the eastern right-of-way of Hidden Acres Road; thence in a northerly direction, approximately 320 feet to a point, said point being the southwestern corner of parcel 23; thence in an easterly direction, approximately 312 feet to a point, said point being the southeastern corner of parcel 23; thence in a northerly direction, approximately 77 feet to a point, said point being the northeast corner of parcel 23; thence in a northwesterly direction, approximately 310 feet to a point, said point being the northwest corner of parcel 23 in common with the eastern right-of-way of Hidden Acres Road; thence in a northerly direction, following the eastern right-of-way of Hidden Acres Road, approximately 80 feet to a point; thence in a northwesterly direction, crossing Hidden Acres Road, approximately 296 feet to the point of BEGINNING, and being

all of parcels 13, 14, 15, and 23, Tax Maps 119A and 119B, as well as a portion of Hidden Acres Road totaling approximately 526 feet in length as shown on the April 2008 Sullivan County Tax Maps.

TRACT 6:

BEGINNING at a point, said point being the northern corner of parcel 123, Tax Map 119G; thence in a southwesterly direction, approximately 550 feet to a point, said point being the southwestern corner of parcel 123 in common with the northern right-of-way of Snapps Ferry Road; thence in a westerly direction, following the northern right-of-way of Snapps Ferry Road, approximately 1,055 feet to a point, said point being the northern right-of-way of Snapps Ferry Road in common with the southern corner of parcel 2; thence in a southeastern direction, crossing Snapps Ferry Road, approximately 80 feet to a point, said point lying on the southern right-of-way of Snapps Ferry Road; thence in an easterly direction, in an arc, following the southern right-of-way of Snapps Ferry Road, approximately 1,095 feet to a point; thence in a northerly direction, crossing Snapps Ferry Road to a point, said point being the southeastern corner of parcel 123; thence in a northeasterly direction, approximately 540 feet to a point, said point being the eastern corner of parcel 123; thence in a northwesterly direction, approximately 136 feet to the point of **BEGINNING**, and being all of parcel 123, Tax Maps 119G and 119J, as well as a portion of Snapps Ferry Road, approximately 1,127 feet in length as shown on the April 2008 Sullivan County Tax Maps

AND WHEREAS, the City of Kingsport deems it advisable to adopt a Plan of Services for the proposed annexation area. Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF KINGSPORT, TENNESSEE, AS FOLLOWS:

SECTION I. That a Plan of Services for the RS1 Annexation as bounded and described above is hereby adopted, subject to an enactment of an annexation ordinance for the annexation area, the said Plan of Services to be as follows:

**RS1 Annexation
Plan of Services**

1. Police Protection

- A. On the date of annexation the Kingsport Police Department will respond to all calls for service for police protection, including criminal calls, traffic accidents and traffic related occurrences, and other prevention and interdiction calls for service.
- B. Effective with annexation, all resources currently available within the Kingsport Police Department will become available to the citizens of the area. The Kingsport

Police Department has an authorized accredited force of 103 police officers and approximately 60 civilian personnel to provide services 24-hours per day, 365 days a year.

- C. The Kingsport Police Department is accredited with the *Commission on Accreditation for Law Enforcement Agencies* and has met 312 mandatory and 100 optional standards in order to attain this status. Kingsport Police Department was only the third accredited department in the State of Tennessee and the first in northeast Tennessee.
- D. Upon annexation, existing police department personnel will be utilized to provide services by expanding the contiguous patrol sections to include the newly incorporated area. Existing police personnel and equipment will be shifted to provide needed coverage of the area. Each section will be patrolled by units of the Kingsport Police Department and will be augmented by other departments and units such as investigators, specialized assigned details etc.
- E. When needed, the Kingsport Police Department will hire additional police officers to provide more response to annexed areas. The officers will undergo seven hundred twenty (720) hours of basic recruit training before being certified as a police officer. Upon completion of the classroom training, the officers will undergo six hundred forty (640) hours of field office training where they will work and be trained by designated training officers.
- F. The Kingsport Police Department will provide upon request crime prevention programs, traffic safety education programs, drug education/awareness programs including D.A.R.E. to the citizens of the area. Additional programs include department personnel to address groups on law enforcement topics or concerns, home and business security checks and establishing and maintaining neighborhood watch programs.
- G. The Kingsport Police Department currently maintains a 4.5-minute response time to all incidents within the corporate limits.

2. Fire Protection

- A. On the operative date of annexation, the City of Kingsport will answer all calls for service for fire, disaster, hazardous materials, special rescue and medical first responder. The Kingsport Fire Department goes beyond the basic fire services required of a City Government.
- B. The City of Kingsport Fire Department is an Internationally Accredited Agency, one of only two in the State of Tennessee. We operate 6 fire stations, housing fire suppression, hazardous materials, rescue and other emergency equipment. Staffed by 94 full-time professional firefighters, 24 hours a day, 365 days a year to provide service. The City of Kingsport maintains a Class 3 insurance rating saving its residents the most possible on their insurance rates. Our response time average is approximately 4 minutes, 15 seconds after we receive the call from our dispatch center.

- C. Free fire safety inspections will be available upon request on the effective date of annexation. Water lines will be upgraded within five (5) years after the effective date of annexation to provide needed fire flow to protect the properties.
- D. All structures must be brought into compliance with the City-wide smoke detector ordinance within thirty (30) days of the effective date of annexation. This is strictly to provide residents with the best fire protection service available.
- E. The City of Kingsport Fire Department has a Hazardous Materials Response Team, which has state-of-the-art equipment to handle all calls of an emergency nature dealing with incidents relating to hazardous chemicals. The department also has a Technical Rescue Team that has specialized rescue capabilities and equipment for all types of hazards.
- F. The City of Kingsport Fire Department provides First Responder emergency medical services to all life-threatening medical emergencies resulting from serious illness or injury. We provide advanced life support (paramedics) for victims until ambulance service arrives for transport.

3. Water

- A. Water will be billed at in City rates rather than out of City rates, which will result in a reduction in water rates for annexed citizens already receiving City water. Those not currently receiving City water will be required to obtain a water-tap in order to obtain City water.
- B. Water line upgrades and the installation of fire hydrants will commence for adequate fire protection and will be completed within five (5) years after the effective date of annexation.
- C. The City of Kingsport Water Department operates and maintains a 28 MGD water filtration plant, 22 water storage tanks, 15 water booster station and over 750 miles of waterlines. The water treatment plant is staffed by state certified operators 24 hours a day, 365 days a year to provide safe drinking water to our customers.
- D. The City of Kingsport Water Department meets or exceeds water quality standards set forth by the State of Tennessee and the United States Environmental Protection Agency. The plant was the recipient of the 2005 Julian Fleming Award for Outstanding Water Treatment Plants.
- E. The Kingsport Water Treatment Plant has a capacity of 28 MGD and an average daily demand of 15 MGD leaving a surplus capacity of approximately 18 MGD for increased demand.
- F. The Water Distribution Division is managed with a professional staff who are members of key professional organizations such as: American Water Works Association, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a distribution system in the State of Tennessee.

4. Electricity

Electric service in this area is currently under the jurisdiction of AEP and is currently available. Street lighting will be provided generally within five years of the City of Kingsport's request for such service.

5. Sanitary Sewer

- A. City of Kingsport sanitary sewer will be installed and extended to the property within five (5) years after the effective date of annexation. Citizens in the annexed territory will be responsible and required to obtain a sewer-tap from the City of Kingsport before connection to the sanitary sewer system.
- B. Sanitary sewer fees are based on usage of water and are direct reflection of the amount of water used by the resident.
- C. The City of Kingsport operates and maintains a 12.4 MGD wastewater treatment plant, 88 sewer lift stations and approximately 525 miles of sanitary sewer collection lines in to provide sewer service to our customers.
- D. The City of Kingsport Wastewater Treatment Plant will experience 20 million dollars of improvements to provide a reliable and dependable infrastructure.
- E. The wastewater treatment plant is staffed with State Certified Operators 24 hours a day, 365 days a year. Treatment plant operators exceed State of Tennessee training requirements.
- F. The Sewer Collection Division is managed with a professional staff who are members of key professional organizations such as: Water Environment Federation, Tennessee Association of Utility Districts, National Society of Professional Engineers, American Society of Civil Engineers. Several key members of the staff also hold certificates and licenses in the operations of a collection system in the State of Tennessee.

6. Solid Waste Disposal

Sanitation garbage (routine household refuse), trash (grass clippings, tree trimmings, bulky items), and recycling collection will be provided to the annexed area on the same basis as that received by properties located within the existing City Limits. Collection will begin within thirty (30) days following the effective date of annexation. The Sanitation Division supervisor is certified through SWANA as a Certified MSW Management Manager, and Certified Transfer Station Manager. Members of the collection crews receive ongoing training in their fields. The City of Kingsport also owns and operates a demolition landfill that residents can use for a fee. That landfill is supervised by a SWANA certified Manager of Landfill Operations. This supervisor also holds other certifications from SWANA and TDEC.

7. Public Road/Street Construction & Repair

- A. Emergency and routine maintenance of streets and street signs, pavement markings and other traffic control devices will begin on the operative date of

annexation. Emergency pothole repairs are generally made within 24 hours of notification. Crews are available on a 24 hour basis for major emergency call-outs.

- B. Cleaning of streets of snow and ice clearing will begin on the operative date of annexation on the same basis as now provided within the present City limits. This includes major thoroughfares, State highways and emergency route to hospitals as first priority, with secondary/collector streets and finally residential streets in that order as priority II. Snow removal crews receive yearly training to help keep them up to date with changes in procedures and techniques. Snow removal crews also respond on a 24 hour emergency call in basis.
- C. Streets affected by utility construction will be repaired as soon as possible after the utility construction is completed.
- D. Routine Right of Way maintenance is also provided on the effective date of annexation. These crews include a certified Arborist, certified Pesticide Applicators, and other trained personnel to respond to emergencies and routine maintenance requests.
- E. The Streets and Sanitation Division is managed and supervised by a professional staff who are members in good standing of several Professional Organizations such as the Tennessee Chapter of the American Public Works Association, the national chapter of the American Public Works Association, the Volunteer Chapter of the Solid Waste Association of North America, the national chapter of the Solid Waste Association of North America, the Tennessee Urban Forestry Council, the Tennessee Nursery and Landscape Association, National Arbor Day Association, Tennessee Vegetation Management Association, and the Keep Kingsport Beautiful Council. The staff receives ongoing training through these Professional Organizations. Members of the staff are active in their respective organizations. Members of the staff also serve as trainers and instructors for various training venues.

8. Recreational Facilities

- A. Residents of the annexed area may use existing City recreational facilities, programs, parks, etc. on the effective date of annexation at City rates rather than out of City rates.
- B. Residents of the annexed area may use all existing library facilities and will be exempt from the non-residential fee on the effective date of annexation.
- C. Residents of the annexed area (50 years or older) will be eligible to use the Senior Citizens Center with no non-residential fees and with transportation provided on the effective date of annexation.
- D. The Department of Parks and Recreation has more than 4,800 acres of city-owned land to provide parks and recreation programs to all our citizens. The amenities and programs offered by many of the parks and recreation areas through the Leisure Services Department include playing fields for baseball and softball, basketball courts, play grounds, volley ball, tennis courts, a skate park and concession areas and restrooms to serve these facilities. Other amenities offered include General meeting areas, multi function areas, Community Centers, senior

programs, Theater and Cultural Arts programs. Many of the parks have walking and hiking trails and Bays Mountain, the City's largest park, includes animal habitats, a farm area, camping sites, and a Planetarium.

9. Street Lighting

Within five years of the operative date of annexation the City will take over responsibility (including payment) for dusk-to-dawn lights presently in place that meet City standards. The City will request that AEP install additional streetlights on collector-class and lower streets in accordance with the policy on roadway lighting within five (5) years of the effective date of annexation. Lighting on minor and major arterials will be installed per prevailing city policy.

10. Zoning Services

- A. The area will be zoned R-1B (Residential District) and PD (Planned Development).
- B. The Kingsport Regional Planning Commission is the comprehensive planning agency and administers zoning and land subdivision regulations for the City of Kingsport as provided in State law. The Kingsport Regional Planning Commission consists of nine (9) commissioners appointed by the Mayor of the City of Kingsport.
- C. The Kingsport Regional Planning Commission will exercise planning and zoning activities for the area being annexed upon the operative date of annexation. The area will be incorporated into the city limits of the City as part of the five-year long-range annexation plan adopted by the Kingsport Regional Planning Commission for this area.
- D. Appeals to Zoning regulations are heard by the Board of Zoning Appeals and variances are granted if the request meets the criteria established for granting variances under Tennessee Code Annotated.

11. Schools

- A. Upon annexation, children currently attending County schools will be allowed to attend City of Kingsport schools or remain in County schools per the prevailing County policy at the time.
- B. Tuition paid by non-city residents now attending City schools will cease upon the effective date of annexation and those students may continue to attend City schools without charge until graduation.
- C. Children at all grade levels may attend City schools tuition-free. Transportation will be provided for students, whose homes are more than 1.5 miles from their designated school, beginning with the school year following annexation.

The previous sections are titled and listed in the order prescribed by Tennessee Code Annotated 6-51-102(b) (2). The following sections are provided by the City of Kingsport in addition to the minimum requirements.

12. Traffic Control

The City will verify all street name signs and traffic control devices in accordance with the Manual on Uniform Traffic Control Devices.

13. Inspection Services

All inspection services now provided by the City on a fee basis (building, electrical, plumbing, gas, housing, sanitation, etc.) will begin in the annexed area on the effective date of annexation. A free safety inspection of plumbing vents will be required at the time sewer connections are made to make sure that proper protection is available to prevent sewer gas from entering houses.

14. Animal Control

Animal control service equivalent to that presently provided within the City will be extended to the annexed area on the effective date of annexation.

15. Storm Sewers

The installation of any needed storm sewers will be accomplished in accordance with existing standards and engineering principles provided for by present City policies. Maintenance of existing storm sewer and drainage systems is also provided on an as needed basis. Response to emergency storm drainage calls is also provided on a 24 hour call in basis.

16. Leaf Removal

The City will collect loose leaves with the vacuum truck between October 1 and January 15, and it will be provided to the annexation area on the same basis as it is currently provided to other City residents beginning on the effective date of annexation. Bagged leaves are collected year round. Leaves are transported to the City's Demolition Landfill where they are composted and used as an amendment to existing dirt stockpiles. This enhanced dirt is then used on City Projects for backfill and topsoil applications.

17. Litter Control

The City's litter control program will be extended to the area on the effective date of annexation. It is provided biweekly along major commercial routes and on an "as needed/on call" basis in other areas.

18. Graffiti Control

The City's graffiti control program, which is aimed at eliminating graffiti on public rights-of-way such as bridge abutments, street signs, railroad underpasses, and the like, will be extended to the area on the effective date of annexation. It is provided on an "as needed/on call" basis. Response time for "offensive" graffiti removal is generally within 48 hours.

19. Other Services

All other services not classified under the foregoing headings such as Executive, Judicial, Legal, Personnel, Risk Management, Fleet Maintenance, Finance and Administration and other support services will be available upon the effective date of annexation.

SECTION II. This Resolution shall be effective from and after its adoption, the public welfare requiring it.

ADOPTED this the 19th day of May 2009.

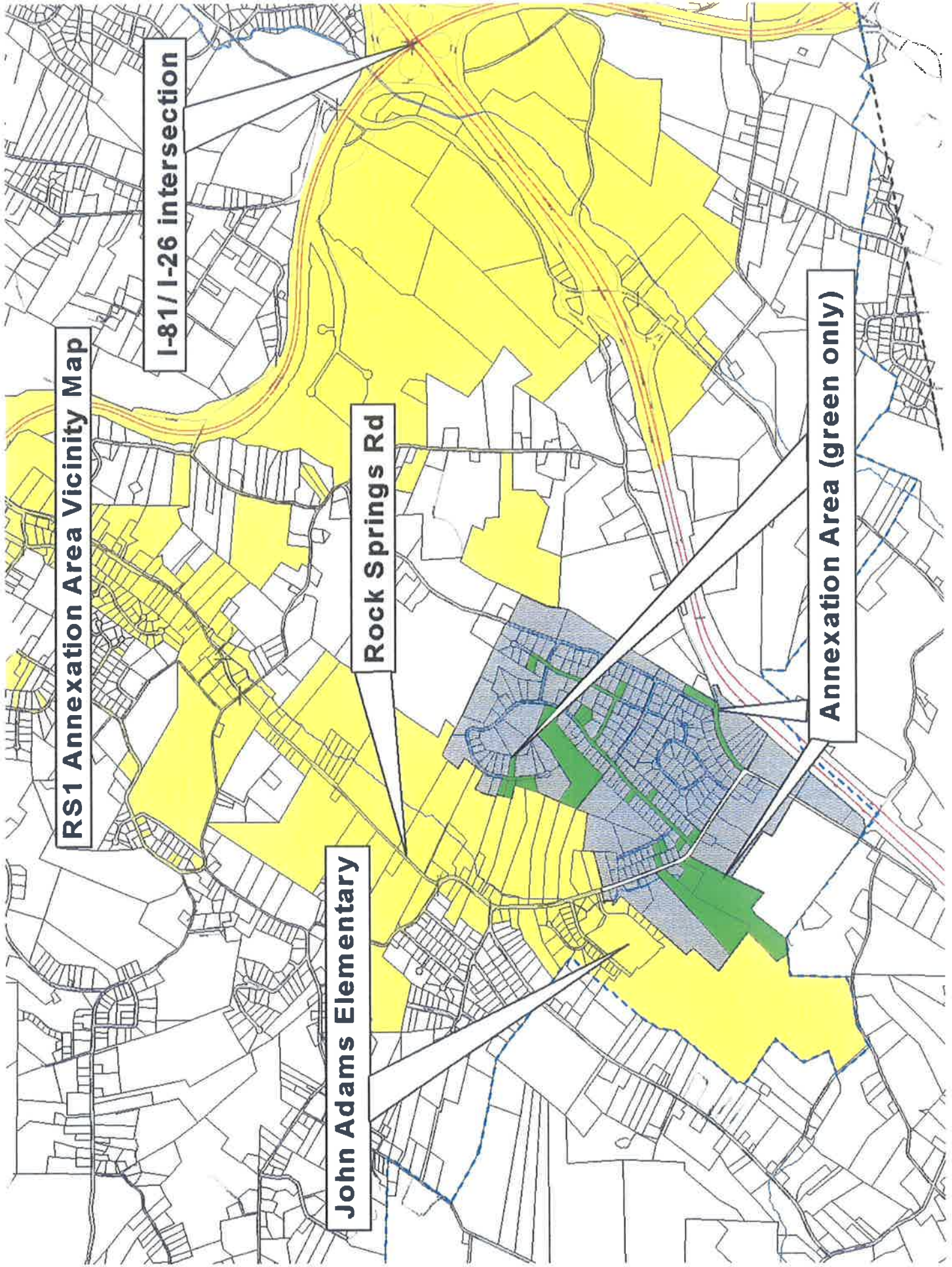
ATTEST:

DENNIS R. PHILLIPS, Mayor

ELIZABETH A. GILBERT
Deputy City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney



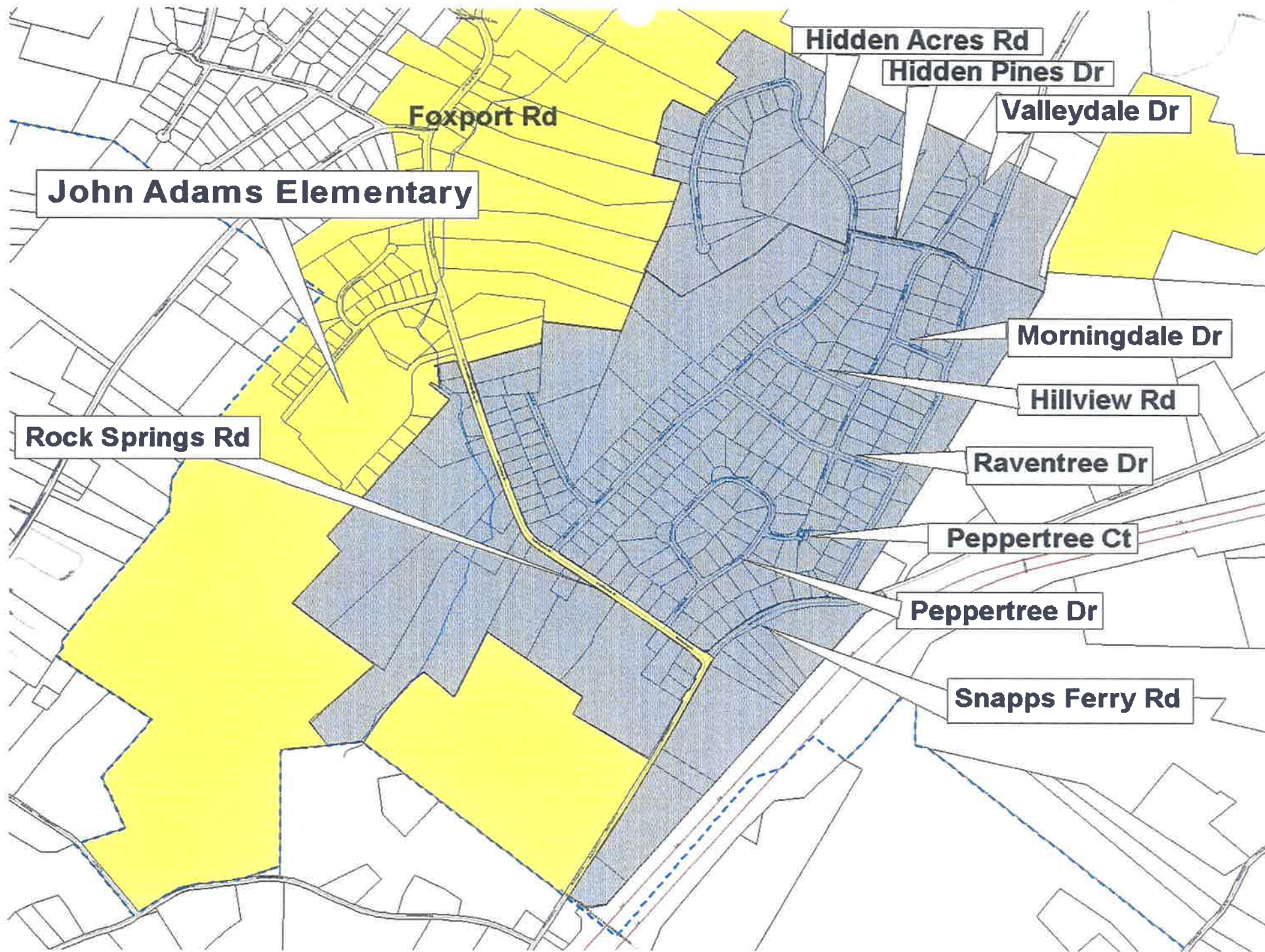
RS1 Annexation Area Vicinity Map

I-81/I-26 intersection

Rock Springs Rd

John Adams Elementary

Annexation Area (green only)



The map displays the John Adams Elementary area, with various zones labeled RS2, RS3, RS4, RS5, RS6, RS7, and RS8. A callout box points to a green-shaded area, indicating the RS1 Annexation. The map also shows surrounding streets and property boundaries.

John Adams Elementary

RS2

RS5

A close-up view of a road map. A yellow road, labeled 'RS4', is shown intersecting with a green road labeled '3'. The map also shows a blue area representing water and a red area representing a different type of land or road.

RS2

annexation area highlighted in green

Hidden Acres Rd

John Adams Elementary

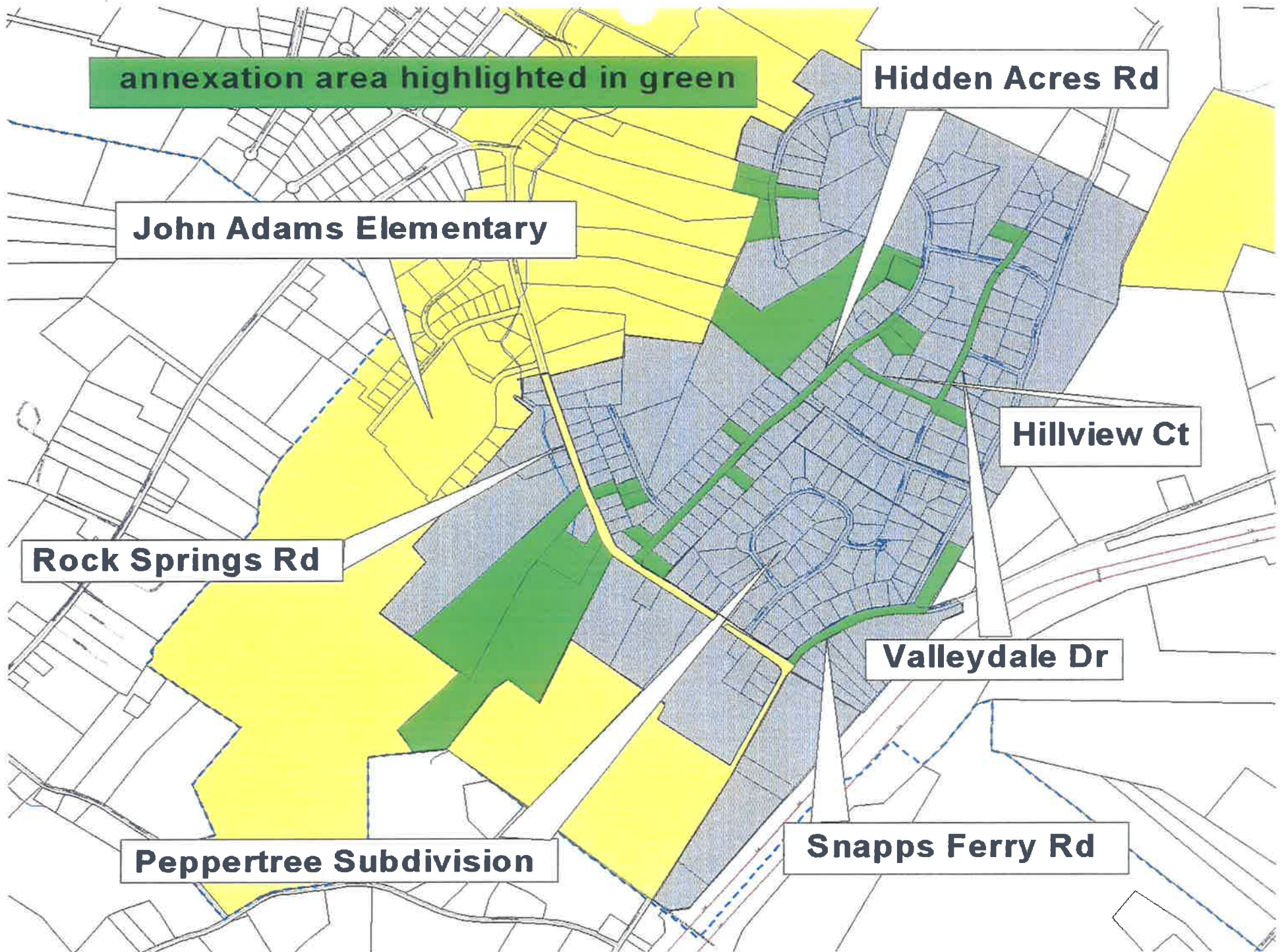
Hillview Ct

Rock Springs Rd

Valleydale Dr

Peppertree Subdivision

Snapps Ferry Rd



annexation area highlighted in green

Hidden Acres Rd

John Adams Elementary

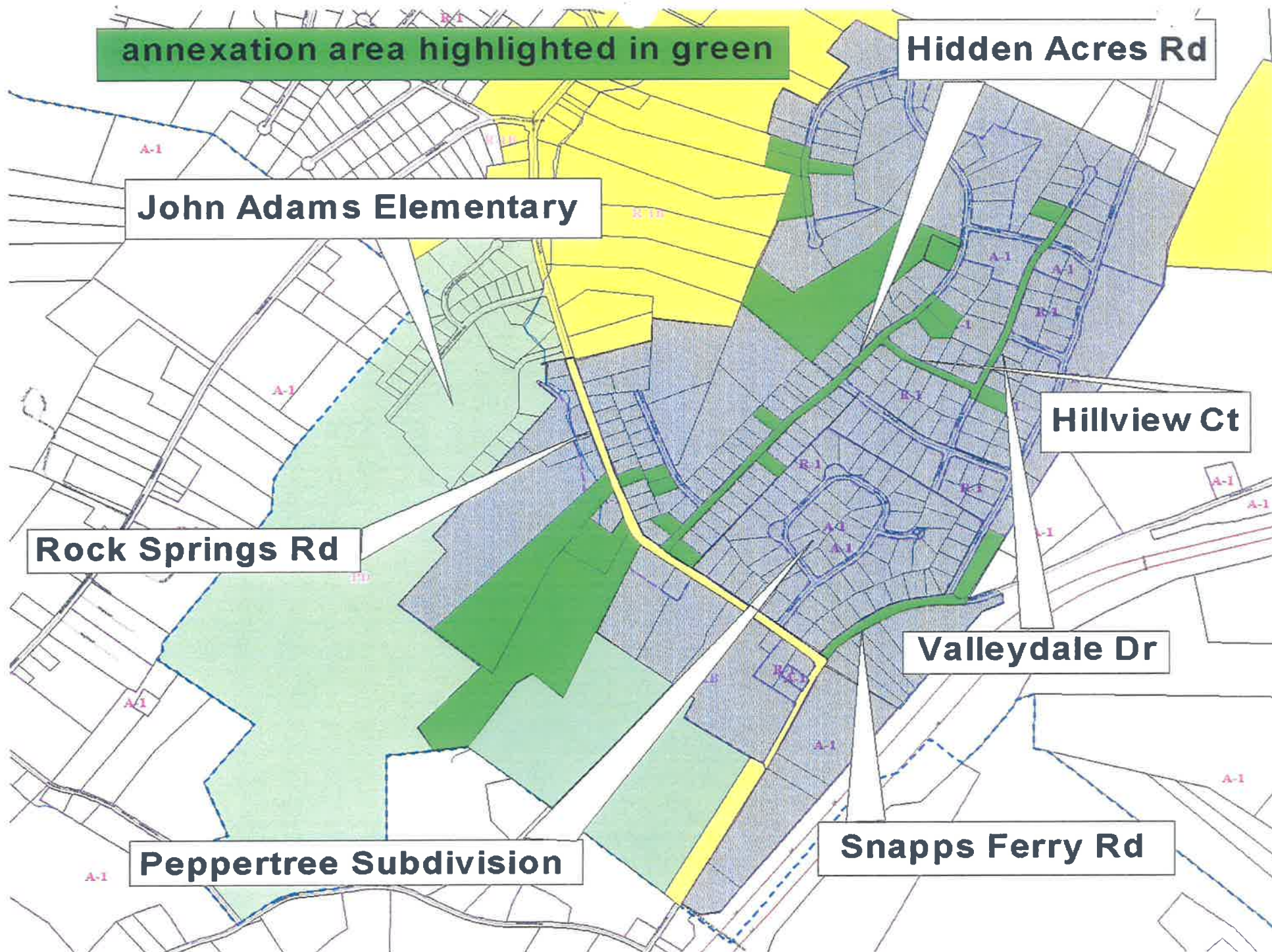
Hillview Ct

Rock Springs Rd

Valleydale Dr

Peppertree Subdivision

Snapps Ferry Rd





AGENDA ACTION FORM

Consideration of an Ordinance to Amend the Schools Federal Projects Fund Budget.

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Agenda Form No.: AF-135-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: June 2, 2009
 Staff Work: David Frye
 Presentation: David Frye

Recommendation:

Approve an Ordinance amending the School Federal Projects Fund Budget.

Executive Summary:

On May 7, 2009, the Board of Education approved an amendment to the FY 2008-2009 Schools' Federal Project Fund budget. This fund accounts for entitlement grants received from the federal government. The current budget is \$3,552,597, based on estimated amounts. The estimates are being adjusted to actual amounts. There is a net increase for this budget of \$141,735. This makes the amended total \$3,694,332.

Attachments:

1. Ordinance
2. BOE Budget Amendment Number Seven
3. Schedule of Federal Projects

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

PRE-FILED
ORDINANCE NO. **** CITY RECORDER

AN ORDINANCE TO AMEND THE SCHOOL FEDERAL
GRANT PROJECTS FUND BUDGET; AND, TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That the School Federal Grant Projects Fund budget be amended by increasing/(decreasing) appropriations for Grant funds to the following Grant projects.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/(Decr)</u>	<u>New Budget</u>
<u>Revenues:</u>	\$	\$	\$
CGP009 Carl Perkins Grant	132,478	(9,821)	122,657
T10901 Title I	1,634,556	(60,116)	1,574,440
T20901 Title II – A	399,735	711	400,446
T2D091 Title II – D	17,020	(100)	16,920
T30901 Title III	11,545	(1,023)	10,522
T40901 Title IV	26,773		26,773
T50901 Title V	0	80,000	80,000
ADMN09 Consolidated Administration	0	130,072	130,072
T60901 IDEA Part-B	1,287,945		1,287,945
PS0901 Pre-School	42,545	2,012	44,557
<i>Totals:</i>	3,552,597	141,735	3,694,332
<u>Expenditures:</u>	\$	\$	\$
Instruction	2,707,330	19,762	2,727,092
Support Services	845,267	121,973	967,240
<i>Totals:</i>	3,552,597	141,735	3,694,332

SECTION II. That this Ordinance shall take effect from and after its date of passage, as the law direct, the welfare of the City of Kingsport, Tennessee requiring it.

ATTEST:

DENNIS PHILLIPS, Mayor

APPROVED AS TO FORM:

JAMES H. DEMMING, City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: June 3, 2008
PASSED ON 2ND READING: June 17, 2008

May 5, 2009

**KINGSPORT CITY SCHOOLS
FISCAL YEAR 2008-2009
BUDGET AMENDMENT NUMBER SEVEN**

GENERAL PURPOSE SCHOOL FUND

ITEM ONE: COUNTY PROPERTY TAX

As described in the 3rd quarter financial update, the projected amount to be collected in Current Year Property Taxes is \$13,350,000. The original estimate was \$13,260,000. This is an increase of \$90,000. It is recommended that the estimated revenue for Current Year Property Taxes be increased by \$90,000.

ITEM TWO: PRIOR YEAR PROPERTY TAXES

The estimated amount for Trustee's Collection – Prior Year Property Taxes will be exceeded by approximately \$60,000. It is recommended that the estimated revenue for Trustee's Collection – Prior Year Property Taxes be increased by \$60,000.

ITEM THREE: LOCAL OPTION SALES TAX

It is projected that the estimate of \$6,710,000 for Local Option Sales Tax will not be met. The estimate at this time is \$6,600,000. It is recommended that the estimate for Local Option Sales Tax be decreased by \$110,000.

ITEM FOUR: ADULT BASIC EDUCATION

The original budget for the Adult Basic Education grant was \$200,000. The actual amount of the grant is \$182,826. Since the beginning of the year we have received 2 additional grants of \$15,560 and \$14,500. The first grant is being used to pay teacher salaries and the second one will be used to purchase an on-line GED program. It recommended that the estimate for Adult Basis Education revenue be increased by \$12,886 and that the appropriation for Adult Basic Education Equipment be increased by \$12,886.

ITEM FIVE: TEACHER SALARY AND BENEFITS

It is projected that the expense for teacher salaries and benefits will be under budget by approximately \$150,000. In order to cover the overrun in the electric account it is recommended that the budget for teacher salaries and benefits be decreased by \$110,000.

ITEM SIX: ELECTRIC BUDGET

The electric budget for FY 2009 was increased by \$50,000 over the FY 2008 budget. It was hoped that through conservation that the budget of \$1,050,000 would be sufficient. The 24 % rate increase was not anticipated nor was the large amounts that are being pass along for fuel surcharges. At this time it is estimated that the final expense for the year will be approximately \$1,250,000. Part of the overrun has been handled through transfers within this section of the budget. It is recommended that the net increase in county revenue of \$40,000 be used to cover a portion of the overrun. It is also recommended that an amount of \$110,000 budgeted for teacher salaries and benefits that has been

made available due to employee turnover be used to cover a portion of this overrun. This will provide an increase to the electric budget of \$150,000.

ITEM SEVEN: MISCELLANEOUS TRANSFERS

1. Dobyons-Bennett has requested to transfer \$12,000 from Instructional Equipment and \$5,000 from printing to Non-Instructional Equipment. This will provide funds to purchase student desks.
2. Robinson Middle School has requested to transfer \$1,950 from Instructional Equipment to Non-Instructional Equipment. This will provide funds to purchase 2 computers for the office area.
3. Roosevelt Elementary has requested to transfer \$2,000 from Instructional Equipment to Custodial Supplies. This will cover an overrun in their Custodial Supply budget.
4. Kennedy Elementary has requested to transfer \$1,500 from their Principal Travel account to their Instructional Supply account. This will help provide additional instructional supplies.
5. Lincoln Elementary has requested \$3,277 from their Instructional Supply account and \$51 from their Instructional Equipment account to their Non-Instructional Equipment account. These funds will help upgrade their surveillance system.

ITEM EIGHT: TEACHER LEADER ACADEMY

The FY 2008-09 budget includes an appropriation of \$26,000 for a Teacher Leader Academy. This is an active project that will not be completed until next year. There has been approximately \$4,500 spent this year. During the FY 2009-10 year there are plans to use the remaining funds for site visits to other schools. It is recommended that a reserve be established in the amount of \$21,500. This will allow the funds to be re-appropriated into the FY 2009-10 budget.

EFFECTS ON INDIVIDUAL ACCOUNT NUMBERS

GENERAL PURPOSE SCHOOL FUND

REVENUES:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
141-0000-337-7120	Federal Revenue – Adult Basic Education	\$ 12,886
141-0000-339-0110	County Revenue – Curr. Yr. Property Taxes	90,000
141-0000-339-0120	County Revenue – Prior Yr. Property Taxes	60,000
141-0000-339-0210	County Revenue – Local Option Sales Tax	<u>(110,000)</u>
Total Change in Estimated Revenue		<u>\$ 52,886</u>

EXPENDITURES:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
141-7150-711-0116	Reg. Inst. – Teacher Salaries	\$ (70,000)
141-7150-711-0201	Reg. Inst. – Social Security	(10,000)
141-7150-711-0204	Reg. Inst. – State Retirement	(10,000)
141-7150-711-0207	Reg. Inst. – Medical Insurance	(20,000)

141-7160-751-0790	Adult Basic Education – Inst. Equipment	12,886
141-7250-821-0415	Operation of Plant – Electricity	150,000
141-7105-711-0722	Robinson – Instructional Equipment	(1,950)
141-7605-871-0790	Robinson – Non-Instructional Equipment	1,950
141-7116-711-0722	Roosevelt – Instructional Equipment	(2,000)
141-7216-821-0410	Roosevelt – Custodial Supplies	2,000
141-7130-711-0429	Kennedy – Instructional Supplies	1,500
141-7230-801-0355	Kennedy – Principal Travel	(1,500)
141-7135-711-0429	Lincoln – Instructional Supplies	(3,277)
141-7135-711-0722	Lincoln – Instructional Equipment	(51)
141-7635-871-0790	Lincoln – Non-Instructional Equipment	<u>3,328</u>

Total Change in Budgeted Expenditures \$ 52,886

GENERAL PROJECT FUND

Funding for the **total** John Adams project has not been established. Funding is in place for the architect fees, construction, and the basic expenses of building the school, but the total amount needed to open the school has not been but in place. When the bid was approved in October 2007, it was shown that the funding to open the school would be \$565,537 less than was needed. Now that we are just a few months from opening the school, we are receiving more accurate quotes, have most of the details worked out and it appears that additional funding of \$280,000 will be needed instead of the original estimate of \$565,537. It is recommended that \$280,000 of the FY 2008 Unallocated Hawkins County Bond Funds be transferred to the John Adams Elementary School project. This will leave a balance of \$87,980 in the FY 2008 bond account.

FEDERAL PROJECTS FUND

The estimated revenue and appropriations for the Federal Projects Fund are currently in the amount of \$3,552,597. This amount was based on estimates and now needs to be adjusted to the actual amount of the grants. As shown on the enclosed Schedule of Federal Projects, it is recommended that the estimated revenues and appropriations for the School Federal Projects Fund be increased by the amount of \$212,795 and decreased by the amount of \$71,060. This will make the revised estimated revenue and appropriation amounts \$3,694,332.

SCHOOL SPECIAL PROJECTS FUND

The estimated revenue and appropriations for the School Special Projects Fund are currently in the amount of \$1,359,892. The initial budgets for these grants were estimates based on previous year's information. The budgets for the grants that were included in the original budget need to be decreased by a net amount of \$50. There have also been new grants added to this fund and an increase in funding to existing grants in the amount of \$307,307. The details of the changes are shown on the enclosed Schedule of School Special Projects. It is recommended that the estimated revenues and appropriations for the School Special Projects Fund be increased by the net amount of \$307,257. This will make the revised estimated revenue and appropriation amounts \$1,667,149.

KINGSPORT CITY SCHOOLS
SCHEDULE OF FEDERAL PROJECTS
FISCAL YEAR 2008-2009

PROGRAM	ORIGINAL BUDGET	INCREASE	DECREASE	AMENDED BUDGET
Title I, Part A: Improving Academic Achievement/Disadvantaged	\$ 1,634,556		\$ 60,116	\$ 1,574,440
Title II, Part A: Teacher and Principal Training and Recruiting	399,735	\$ 711		400,446
Title II, Part D: Enhancing Education Through Technology	17,020		100	16,920
Title III, Part A: English Language Acquisition	11,545		1,023	10,522
Title IV, Part A: Safe and Drug-Free Schools and Communities	26,773			26,773
Title V, Part A: Innovative Programs	0	80,000		80,000
Consolidated Administration	0	130,072		130,072
IDEA, Part-B: Special Education	1,287,945			1,287,945
IDEA, Pre-School: Special Education	42,545	2,012		44,557
Carl Perkins: Vocational	132,478		9,821	122,657
Total Federal Projects	\$ 3,552,597	\$ 212,795	\$ 71,060	\$ 3,694,332



AGENDA ACTION FORM

Consideration of an Ordinance to Amend the Schools Special Projects Fund Budget.

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Agenda Form No.: AF-136-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: June 2, 2009
 Staff Work: David Frye
 Presentation: David Frye

Recommendation:

Approve an Ordinance amending the School Special Projects Fund Budget.

Executive Summary:

On May 7, 2009, the Board of Education approved an amendment to the FY 2008-2009 Schools' Special Project Fund budget. This fund accounts for State of Tennessee grants, competitive grants, and any other grants that may be received. The current budget is \$1,359,892, based on estimated amounts. Six new grants have been received and the estimates are being adjusted to actual amounts. There is a net increase for this budget of \$307,257. This makes the amended total \$1,667,149.

Attachments:

1. Ordinance
2. BOE Budget Amendment Number Seven
3. Schedule of School Special Projects

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

ORDINANCE NO. ****

PRE-FILED
CITY RECORDER

AN ORDINANCE TO AMEND THE SCHOOL SPECIAL PROJECTS
FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS
ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That the School Special Projects Fund budget be amended by increasing/(decreasing) appropriations for Grant funds to the following Grant projects.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/(Decr)</u>	<u>New Budget</u>
<u>Revenues:</u>	\$	\$	\$
CL0009 Community of Learners – D-B	50,000		50,000
CSH009 Coordinated School Health	123,250	4,750	128,000
DWG010 Dislocated Workers Program		55,466	55,466
DROP09 Drop-Out Prevention		6,000	6,000
E ⁴ TN08 E ⁴ TN Grant – DB		50,000	50,000
E ⁴ TN09 E ⁴ TN Grant – DB		50,000	50,000
EAST08 Eastman Plan of Services	355,600		355,600
FRC009 Family Resource Center	33,300		33,300
HAG009 Homeless Assist	28,800	10,200	39,000
LP1009 LEAPS After-School Program – Sevier	50,000		50,000
LP5009 LEAPS After-School Program – S-W	215,550	(50)	215,500
PK5009 Pre-K Grant System-Wide	76,132	2,479	78,611
PK5109 Pre-K Expansion Grant System-Wide	380,660	12,392	393,052
SSA008 Safe Schools Act	29,900	(700)	29,200
KTIP09 Kpt Truancy Intervention		53,720	53,720
YVDU09 Youth Violence \$ Drug Use		43,000	43,000
Transfer from General School Fund	16,700	20,000	36,700
<i>Totals:</i>	1,359,892	307,257	1,667,149
<u>Expenditures:</u>	\$	\$	\$
Instruction	695,089	(205,641)	489,448
Support Services	321,353	413,013	734,366
Non-Instructional Services	351,550	(50)	315,500
Capital Outlay	27,900	22,795	50,695
Other	0	77,140	77,140
<i>Totals:</i>	1,359,892	307,257	1,667,149

SECTION II. That this Ordinance shall take effect from and after its date of passage, as the law direct, the welfare of the City of Kingsport, Tennessee requiring it.

DENNIS PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

JAMES H. DEMMING, City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

City of Kingsport, Tennessee

May 5, 2009

**KINGSPORT CITY SCHOOLS
FISCAL YEAR 2008-2009
BUDGET AMENDMENT NUMBER SEVEN**

GENERAL PURPOSE SCHOOL FUND

ITEM ONE: COUNTY PROPERTY TAX

As described in the 3rd quarter financial update, the projected amount to be collected in Current Year Property Taxes is \$13,350,000. The original estimate was \$13,260,000. This is an increase of \$90,000. It is recommended that the estimated revenue for Current Year Property Taxes be increased by \$90,000.

ITEM TWO: PRIOR YEAR PROPERTY TAXES

The estimated amount for Trustee's Collection – Prior Year Property Taxes will be exceeded by approximately \$60,000. It is recommended that the estimated revenue for Trustee's Collection – Prior Year Property Taxes be increased by \$60,000.

ITEM THREE: LOCAL OPTION SALES TAX

It is projected that the estimate of \$6,710,000 for Local Option Sales Tax will not be met. The estimate at this time is \$6,600,000. It is recommended that the estimate for Local Option Sales Tax be decreased by \$110,000.

ITEM FOUR: ADULT BASIC EDUCATION

The original budget for the Adult Basic Education grant was \$200,000. The actual amount of the grant is \$182,826. Since the beginning of the year we have received 2 additional grants of \$15,560 and \$14,500. The first grant is being used to pay teacher salaries and the second one will be used to purchase an on-line GED program. It is recommended that the estimate for Adult Basic Education revenue be increased by \$12,886 and that the appropriation for Adult Basic Education Equipment be increased by \$12,886.

ITEM FIVE: TEACHER SALARY AND BENEFITS

It is projected that the expense for teacher salaries and benefits will be under budget by approximately \$150,000. In order to cover the overrun in the electric account it is recommended that the budget for teacher salaries and benefits be decreased by \$110,000.

ITEM SIX: ELECTRIC BUDGET

The electric budget for FY 2009 was increased by \$50,000 over the FY 2008 budget. It was hoped that through conservation that the budget of \$1,050,000 would be sufficient. The 24 % rate increase was not anticipated nor was the large amounts that are being pass along for fuel surcharges. At this time it is estimated that the final expense for the year will be approximately \$1,250,000. Part of the overrun has been handled through transfers within this section of the budget. It is recommended that the net increase in county revenue of \$40,000 be used to cover a portion of the overrun. It is also recommended that an amount of \$110,000 budgeted for teacher salaries and benefits that has been

made available due to employee turnover be used to cover a portion of this overrun. This will provide an increase to the electric budget of \$150,000.

ITEM SEVEN: MISCELLANEOUS TRANSFERS

1. Dobyns-Bennett has requested to transfer \$12,000 from Instructional Equipment and \$5,000 from printing to Non-Instructional Equipment. This will provide funds to purchase student desks.
2. Robinson Middle School has requested to transfer \$1,950 from Instructional Equipment to Non-Instructional Equipment. This will provide funds to purchase 2 computers for the office area.
3. Roosevelt Elementary has requested to transfer \$2,000 from Instructional Equipment to Custodial Supplies. This will cover an overrun in their Custodial Supply budget.
4. Kennedy Elementary has requested to transfer \$1,500 from their Principal Travel account to their Instructional Supply account. This will help provide additional instructional supplies.
5. Lincoln Elementary has requested \$3,277 from their Instructional Supply account and \$51 from their Instructional Equipment account to their Non-Instructional Equipment account. These funds will help upgrade their surveillance system.

ITEM EIGHT: TEACHER LEADER ACADEMY

The FY 2008-09 budget includes an appropriation of \$26,000 for a Teacher Leader Academy. This is an active project that will not be completed until next year. There has been approximately \$4,500 spent this year. During the FY 2009-10 year there are plans to use the remaining funds for site visits to other schools. It is recommended that a reserve be established in the amount of \$21,500. This will allow the funds to be re-appropriated into the FY 2009-10 budget.

EFFECTS ON INDIVIDUAL ACCOUNT NUMBERS

GENERAL PURPOSE SCHOOL FUND

REVENUES:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
141-0000-337-7120	Federal Revenue – Adult Basic Education	\$ 12,886
141-0000-339-0110	County Revenue – Curr. Yr. Property Taxes	90,000
141-0000-339-0120	County Revenue – Prior Yr. Property Taxes	60,000
141-0000-339-0210	County Revenue – Local Option Sales Tax	<u>(110,000)</u>
Total Change in Estimated Revenue		<u>\$ 52,886</u>

EXPENDITURES:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
141-7150-711-0116	Reg. Inst. – Teacher Salaries	\$ (70,000)
141-7150-711-0201	Reg. Inst. – Social Security	(10,000)
141-7150-711-0204	Reg. Inst. – State Retirement	(10,000)
141-7150-711-0207	Reg. Inst – Medical Insurance	(20,000)

141-7160-751-0790	Adult Basic Education – Inst. Equipment	12,886
141-7250-821-0415	Operation of Plant – Electricity	150,000
141-7105-711-0722	Robinson – Instructional Equipment	(1,950)
141-7605-871-0790	Robinson – Non-Instructional Equipment	1,950
141-7116-711-0722	Roosevelt – Instructional Equipment	(2,000)
141-7216-821-0410	Roosevelt – Custodial Supplies	2,000
141-7130-711-0429	Kennedy – Instructional Supplies	1,500
141-7230-801-0355	Kennedy – Principal Travel	(1,500)
141-7135-711-0429	Lincoln – Instructional Supplies	(3,277)
141-7135-711-0722	Lincoln – Instructional Equipment	(51)
141-7635-871-0790	Lincoln – Non-Instructional Equipment	<u>3,328</u>

Total Change in Budgeted Expenditures \$ 52,886

GENERAL PROJECT FUND

Funding for the **total** John Adams project has not been established. Funding is in place for the architect fees, construction, and the basic expenses of building the school, but the total amount needed to open the school has not been but in place. When the bid was approved in October 2007, it was shown that the funding to open the school would be \$565,537 less than was needed. Now that we are just a few months from opening the school, we are receiving more accurate quotes, have most of the details worked out and it appears that additional funding of \$280,000 will be needed instead of the original estimate of \$565,537. It is recommended that \$280,000 of the FY 2008 Unallocated Hawkins County Bond Funds be transferred to the John Adams Elementary School project. This will leave a balance of \$87,980 in the FY 2008 bond account.

FEDERAL PROJECTS FUND

The estimated revenue and appropriations for the Federal Projects Fund are currently in the amount of \$3,552,597. This amount was based on estimates and now needs to be adjusted to the actual amount of the grants. As shown on the enclosed Schedule of Federal Projects, it is recommended that the estimated revenues and appropriations for the School Federal Projects Fund be increased by the amount of \$212,795 and decreased by the amount of \$71,060. This will make the revised estimated revenue and appropriation amounts \$3,694,332.

SCHOOL SPECIAL PROJECTS FUND

The estimated revenue and appropriations for the School Special Projects Fund are currently in the amount of \$1,359,892. The initial budgets for these grants were estimates based on previous year's information. The budgets for the grants that were included in the original budget need to be decreased by a net amount of \$50. There have also been new grants added to this fund and an increase in funding to existing grants in the amount of \$307,307. The details of the changes are shown on the enclosed Schedule of School Special Projects. It is recommended that the estimated revenues and appropriations for the School Special Projects Fund be increased by the net amount of \$307,257. This will make the revised estimated revenue and appropriation amounts \$1,667,149.

KINGSPORT CITY SCHOOLS
SCHEDULE OF SCHOOL SPECIAL PROJECTS
FISCAL YEAR 2008-2009

PROGRAM	ORIGINAL BUDGET	INCREASE	DECREASE	AMENDED BUDGET
Coordinated School Health FY 09	\$ 123,250	\$ 4,750		\$ 128,000
Dislocated Workers Grant FY 10	-	55,466		55,466
Dropout Prevention FY 09	-	6,000		6,000
E4TN Grant FY 08	-	50,000		50,000
E4TN Grant FY 09	-	50,000		50,000
Eastman Plan of Services Funds	355,600			355,600
Homeless Education Program FY 09	28,800	10,200		39,000
Safe Schools Act Grant FY 09	29,900	19,300		49,200
Family Resource Center FY 09	50,000			50,000
TN 21st Century Community Learning Center-D-B FY 09	50,000			50,000
Lottery - After-School Care Grant Sevier FY 09	50,000			50,000
Lottery - After-School Care Grant System-Wide FY 09	215,550		\$ 50	215,500
Lottery - Pre-School Grant FY 09	76,132	2,479		78,611
State - Pre-School Grant FY 09	380,660	12,392		393,052
Truancy Intervention Grant FY 09	-	53,720		53,720
Youth Violence & Drug Use Grant FY 09	-	43,000		43,000
Total School Special Projects	\$ 1,359,892	\$ 307,307	\$ 50	\$ 1,667,149



AGENDA ACTION FORM

Consideration of an Ordinance to Amend the General Purpose School Fund and the General Projects Fund Budget.

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Agenda Form No.: AF-134-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: June 2, 2009
 Staff Work: David Frye
 Presentation: David Frye

Recommendation:

Approve an Ordinance amending the General Purpose School Fund and the General Projects Fund Budget.

Executive Summary:

On May 7, 2009, the Board of Education approved budget amendment number seven. This amendment increases the estimated revenues and appropriations in the net amount of \$52,886. There are eight different items that are addressed in this amendment. The General Project Fund budget is also being amended by transferring \$280,000 of Unallocated FY 08 Hawkins County Bond Funds to the John Adams Elementary School project. Please see the attached Kingsport City Schools – Budget Amendment Number seven for more detail.

Attachments:

1. Ordinance
2. BOE Budget Amendment Number Seven

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

PRE-FILED CITY RECORDER

ORDINANCE NO. ****

AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That the General Purpose School Fund budget be amended to ratify the Kingsport Board of Education approval of Budget Amendment Number Seven to increase the estimated revenue for Federal Adult Basic Education by \$12,886; the estimated revenue for Current Year Property Taxes by \$90,000; the estimated revenue for Prior Year Property Taxes by \$60,000; to decrease the estimated revenue for Local Option Sales Tax By \$110,000 and to increase the appropriation for Adult Basic Education Instructional Equipment by \$12,886; the appropriation for Electricity by \$150,000 and to decrease the appropriations for Regular Instruction-Teacher Salaries and benefits by \$110,000 and to transfer \$12,000 from the Dobyys-Bennett Instructional Equipment account and \$5,000 from the Printing account to the Non-Instructional Equipment account and to transfer \$2,000 from the Roosevelt Instructional Equipment account to the Custodial Supply account and to transfer \$1,500 from the Kennedy Principal Travel account to the Instructional Supply account and to transfer \$3,277 from the Lincoln Instructional Supply account and \$51 from the Instructional Equipment account to the Non-Instructional Equipment account. The General Purpose School Fund budget will be further amended by establishing a reserve of Fund Balance in the amount of \$21,500 for unused Teacher Leader Academy funds. In addition the General Project fund budget will be amended by transferring \$280,000 from the Unallocated FY 2008 Hawkins County Bond Funds project (GP0812) to the John Adams Elementary School project (GP0715).

<u>Account Number/Description:</u>		<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 141: School Fund				
Revenues:		\$	\$	\$
141-0000-337-7120	Adult Basic Education	200,000	12,886	212,886
141-0000-339-0110	Current Year Property Tax	13,260,000	90,000	13,350,000
141-0000-339-0120	Prior Year Property Tax	250,000	60,000	310,000
141-0000-339-0210	Local Option Sales Tax	6,710,000	(110,000)	6,600,000
Totals:		20,420,000	52,886	20,472,886

<u>Account Number/Description:</u>		<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Expenditures:		\$	\$	\$
141-7150-711-0116	Reg. Ed.-Teacher Salaries	18,706,047	(70,000)	18,636,047
141-7150-711-0201	Reg. Ed.-Social Security	1,242,325	(10,000)	1,232,325
141-7150-711-0204	Reg. Ed.-Retirement	1,403,257	(10,000)	1,393,257
141-7150-711-0212	Reg. Ed.-Medical Ins.	2,535,900	(20,000)	2,515,900
141-7160-751-0116	ABE-Instructional Equip.	5,000	12,886	17,886

141-7250-821-0415	Op. of Plant-Electricity	1,050,000	150,000	1,200,000
141-7100-711-0722	D-B-Inst. Equipment	53,470	(12,000)	41,470
141-7200-781-0595	D-B-Printing	8,190	(5,000)	3,190
141-7600-871-0790	D-B-Non-Inst. Equip	45,513	17,000	62,513
141-7105-711-0722	Robinson-Inst. Equip	17,815	(1,950)	15,865
141-7605-871-0790	Robinson-Non-Inst. Equip	13,361	1,950	15,311
141-7116-711-0722	Roosevelt-Inst. Equip	3,117	(2,000)	1,117
141-7216-821-0410	Roosevelt-Custodial Sup	7,069	2,000	9,069
141-7130-711-0429	Kennedy-Inst. Supplies	14,631	1,500	16,131
141-7230-801-0355	Kennedy-Principal Travel	2,000	(1,500)	500
141-7135-711-0429	Lincoln-Inst. Supplies	22,224	(3,277)	18,947
141-7135-711-0722	Lincoln-Inst. Equip	11,747	(51)	11,696
141-7635-871-0790	Lincoln-Non-Inst. Equip	8,048	3,328	11,376
Totals:		25,149,714	52,886	25,202,600

Reserves:		\$	\$	\$
141-0000-247-6600	Reserve-Teacher Leaders	0	21,500	21,500
141-0000-253-0000	Unreserved Fund Balance	2,714,625	(21,500)	2,693,125
Totals:		2,714,625	0	2,714,625

Fund 311: General Project Fund

Revenues:		\$	\$	\$
<u>GP0812 Unallocated FY 2008 Hawkins Co. Bonds</u>				
311-0000-391-2100	Transfer From School Fund	367,980	(280,000)	87,980
<u>GP0715 John Adams Elementary School</u>				
311-0000-391-2100	Transfer From School Fund	319,530	280,000	599,530
Totals:		687,510	0	687,510

Expenditures:		\$	\$	\$
<u>GP0812 Unallocated FY 2008 Hawkins Co. Bonds</u>				
311-0000-601-2022	Construction contracts	367,980	(280,000)	87,980
<u>GP0715 John Adams Elementary School</u>				
311-0000-601-9004	Capital Outlay-Equipment	0	280,000	280,000
Totals:		367,980	0	367,980

SECTION II. That this Ordinance shall take effect from and after its date of passage, as the law direct, the welfare of the City of Kingsport, Tennessee requiring it.

DENNIS PHILLIPS, Mayor

ATTEST:

APPROVED AS TO FORM:

JAMES H. DEMMING, City Recorder

J. MICHAEL BILLINGSLEY, City Attorney

May 5, 2009

**KINGSPORT CITY SCHOOLS
FISCAL YEAR 2008-2009
BUDGET AMENDMENT NUMBER SEVEN**

GENERAL PURPOSE SCHOOL FUND

ITEM ONE: COUNTY PROPERTY TAX

As described in the 3rd quarter financial update, the projected amount to be collected in Current Year Property Taxes is \$13,350,000. The original estimate was \$13,260,000. This is an increase of \$90,000. It is recommended that the estimated revenue for Current Year Property Taxes be increased by \$90,000.

ITEM TWO: PRIOR YEAR PROPERTY TAXES

The estimated amount for Trustee's Collection – Prior Year Property Taxes will be exceeded by approximately \$60,000. It is recommended that the estimated revenue for Trustee's Collection – Prior Year Property Taxes be increased by \$60,000.

ITEM THREE: LOCAL OPTION SALES TAX

It is projected that the estimate of \$6,710,000 for Local Option Sales Tax will not be met. The estimate at this time is \$6,600,000. It is recommended that the estimate for Local Option Sales Tax be decreased by \$110,000.

ITEM FOUR: ADULT BASIC EDUCATION

The original budget for the Adult Basic Education grant was \$200,000. The actual amount of the grant is \$182,826. Since the beginning of the year we have received 2 additional grants of \$15,560 and \$14,500. The first grant is being used to pay teacher salaries and the second one will be used to purchase an on-line GED program. It recommended that the estimate for Adult Basis Education revenue be increased by \$12,886 and that the appropriation for Adult Basic Education Equipment be increased by \$12,886.

ITEM FIVE: TEACHER SALARY AND BENEFITS

It is projected that the expense for teacher salaries and benefits will be under budget by approximately \$150,000. In order to cover the overrun in the electric account it is recommended that the budget for teacher salaries and benefits be decreased by \$110,000.

ITEM SIX: ELECTRIC BUDGET

The electric budget for FY 2009 was increased by \$50,000 over the FY 2008 budget. It was hoped that through conservation that the budget of \$1,050,000 would be sufficient. The 24 % rate increase was not anticipated nor was the large amounts that are being pass along for fuel surcharges. At this time it is estimated that the final expense for the year will be approximately \$1,250,000. Part of the overrun has been handled through transfers within this section of the budget. It is recommended that the net increase in county revenue of \$40,000 be used to cover a portion of the overrun. It is also recommended that an amount of \$110,000 budgeted for teacher salaries and benefits that has been

made available due to employee turnover be used to cover a portion of this overrun. This will provide an increase to the electric budget of \$150,000.

ITEM SEVEN: MISCELLANEOUS TRANSFERS

1. Dobyns-Bennett has requested to transfer \$12,000 from Instructional Equipment and \$5,000 from printing to Non-Instructional Equipment. This will provide funds to purchase student desks.
2. Robinson Middle School has requested to transfer \$1,950 from Instructional Equipment to Non-Instructional Equipment. This will provide funds to purchase 2 computers for the office area.
3. Roosevelt Elementary has requested to transfer \$2,000 from Instructional Equipment to Custodial Supplies. This will cover an overrun in their Custodial Supply budget.
4. Kennedy Elementary has requested to transfer \$1,500 from their Principal Travel account to their Instructional Supply account. This will help provide additional instructional supplies.
5. Lincoln Elementary has requested \$3,277 from their Instructional Supply account and \$51 from their Instructional Equipment account to their Non-Instructional Equipment account. These funds will help upgrade their surveillance system.

ITEM EIGHT: TEACHER LEADER ACADEMY

The FY 2008-09 budget includes an appropriation of \$26,000 for a Teacher Leader Academy. This is an active project that will not be completed until next year. There has been approximately \$4,500 spent this year. During the FY 2009-10 year there are plans to use the remaining funds for site visits to other schools. It is recommended that a reserve be established in the amount of \$21,500. This will allow the funds to be re-appropriated into the FY 2009-10 budget.

EFFECTS ON INDIVIDUAL ACCOUNT NUMBERS

GENERAL PURPOSE SCHOOL FUND

REVENUES:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
141-0000-337-7120	Federal Revenue – Adult Basic Education	\$ 12,886
141-0000-339-0110	County Revenue – Curr. Yr. Property Taxes	90,000
141-0000-339-0120	County Revenue – Prior Yr. Property Taxes	60,000
141-0000-339-0210	County Revenue – Local Option Sales Tax	<u>(110,000)</u>
Total Change in Estimated Revenue		<u>\$ 52,886</u>

EXPENDITURES:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
141-7150-711-0116	Reg. Inst. – Teacher Salaries	\$ (70,000)
141-7150-711-0201	Reg. Inst. – Social Security	(10,000)
141-7150-711-0204	Reg. Inst. – State Retirement	(10,000)
141-7150-711-0207	Reg. Inst. – Medical Insurance	(20,000)

141-7160-751-0790	Adult Basic Education – Inst. Equipment	12,886
141-7250-821-0415	Operation of Plant – Electricity	150,000
141-7105-711-0722	Robinson – Instructional Equipment	(1,950)
141-7605-871-0790	Robinson – Non-Instructional Equipment	1,950
141-7116-711-0722	Roosevelt – Instructional Equipment	(2,000)
141-7216-821-0410	Roosevelt – Custodial Supplies	2,000
141-7130-711-0429	Kennedy – Instructional Supplies	1,500
141-7230-801-0355	Kennedy – Principal Travel	(1,500)
141-7135-711-0429	Lincoln – Instructional Supplies	(3,277)
141-7135-711-0722	Lincoln – Instructional Equipment	(51)
141-7635-871-0790	Lincoln – Non-Instructional Equipment	<u>3,328</u>

Total Change in Budgeted Expenditures \$ 52,886

GENERAL PROJECT FUND

Funding for the **total** John Adams project has not been established. Funding is in place for the architect fees, construction, and the basic expenses of building the school, but the total amount needed to open the school has not been but in place. When the bid was approved in October 2007, it was shown that the funding to open the school would be \$565,537 less than was needed. Now that we are just a few months from opening the school, we are receiving more accurate quotes, have most of the details worked out and it appears that additional funding of \$280,000 will be needed instead of the original estimate of \$565,537. It is recommended that \$280,000 of the FY 2008 Unallocated Hawkins County Bond Funds be transferred to the John Adams Elementary School project. This will leave a balance of \$87,980 in the FY 2008 bond account.

FEDERAL PROJECTS FUND

The estimated revenue and appropriations for the Federal Projects Fund are currently in the amount of \$3,552,597. This amount was based on estimates and now needs to be adjusted to the actual amount of the grants. As shown on the enclosed Schedule of Federal Projects, it is recommended that the estimated revenues and appropriations for the School Federal Projects Fund be increased by the amount of \$212,795 and decreased by the amount of \$71,060. This will make the revised estimated revenue and appropriation amounts \$3,694,332.

SCHOOL SPECIAL PROJECTS FUND

The estimated revenue and appropriations for the School Special Projects Fund are currently in the amount of \$1,359,892. The initial budgets for these grants were estimates based on previous year's information. The budgets for the grants that were included in the original budget need to be decreased by a net amount of \$50. There have also been new grants added to this fund and an increase in funding to existing grants in the amount of \$307,307. The details of the changes are shown on the enclosed Schedule of School Special Projects. It is recommended that the estimated revenues and appropriations for the School Special Projects Fund be increased by the net amount of \$307,257. This will make the revised estimated revenue and appropriation amounts \$1,667,149.



AGENDA ACTION FORM

Consideration of an Ordinance to Appropriate Funds for the Façade Program and the Redevelopment Incentive Program

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Agenda Form No. AF-: 139-2009

Work Session: May 18, 2009

First Reading: May 19, 2009

Final Adoption: June 2, 2009

Staff Work: Jeff Fleming

Presentation: Jeff Fleming

Recommendation:

Approve the ordinance

Executive Summary:

The Kingsport Economic Development Board embarked on an experimental project to provide incentives for façade improvements and redevelopment. The Façade program was established in October 2006. The Redevelopment Incentive program was established in June 2008. Businesses are eligible for \$5,000 for a standard façade (\$10,000 for corner lots or extra wide lots) and up to \$20,000 as a redevelopment incentive (based on percentage of building permit value). KEDB originally allocated \$135,000 to Façade Grants and \$100,000 for Redevelopment Incentive Grants. The funds have been very effective and the results, especially downtown, are evident. It is anticipated that ongoing funding will stem from the Downtown TIF, which will become available in late 2010. The BMA is requested to make a one-time appropriation of \$75,000 for each fund to keep the momentum going until an ongoing funding stream is available.

Attachments:

1. Spreadsheet – Façade Grant
2. Spreadsheet – Redevelopment Incentive Fund
3. Budget Transfer Ordinance

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

Façade Grant Program General Guidelines

The purpose of the Façade Grant Program is to encourage the revitalization of building facades and to improve the aesthetics of the City's Central Business District with grant assistance through the Kingsport Economic Development Board (KEDB). The following are the policy guidelines for the Façade Grant Program of the KEDB, for the City of Kingsport, Tennessee.

Property/ Applicant/ Owner Eligibility

1. For a period of one year after the establishment of the program by the Board of Mayor and Alderman, façade improvement grants will be available for properties located within the established Central Business District (*please see map on the reverse*). After the first year, the program will be evaluated for potential continued funding and expansion to other areas within the City.
2. Properties submitted for grant funds must meet eligibility criteria including; being current on property taxes and utility bills due the City and compliant with building and fire codes. Staff of the City of Kingsport will determine and submit these eligibility criteria to the KEDB and the Façade Grant Committee.
3. Properties ineligible for assistance include; tax delinquent and tax exempt property, property in litigation, property in condemnation or in receivership.
All facades must face a public street.
4. Grant funds of up to \$5000 per façade project may be granted and require a dollar for dollar match. Grant award amounts are determined at the discretion of the Grant Façade Committee and the KEDB. Grant amounts may vary depending upon amount and the type of work to be accomplished as well as the number of public streets the façade will affect.
5. Minimum project amount for consideration is \$500. The awarded grant funds will be reimbursed to the property owner/applicant when the façade project is complete to the satisfaction of the Façade Committee and the KEDB.
6. All applications must be submitted to the Chamber of Commerce for review by the KEDB and must include a cover application in addition to the proposal for improvements. Applications may be picked up at the Chamber of Commerce. Incomplete applications will not be considered.

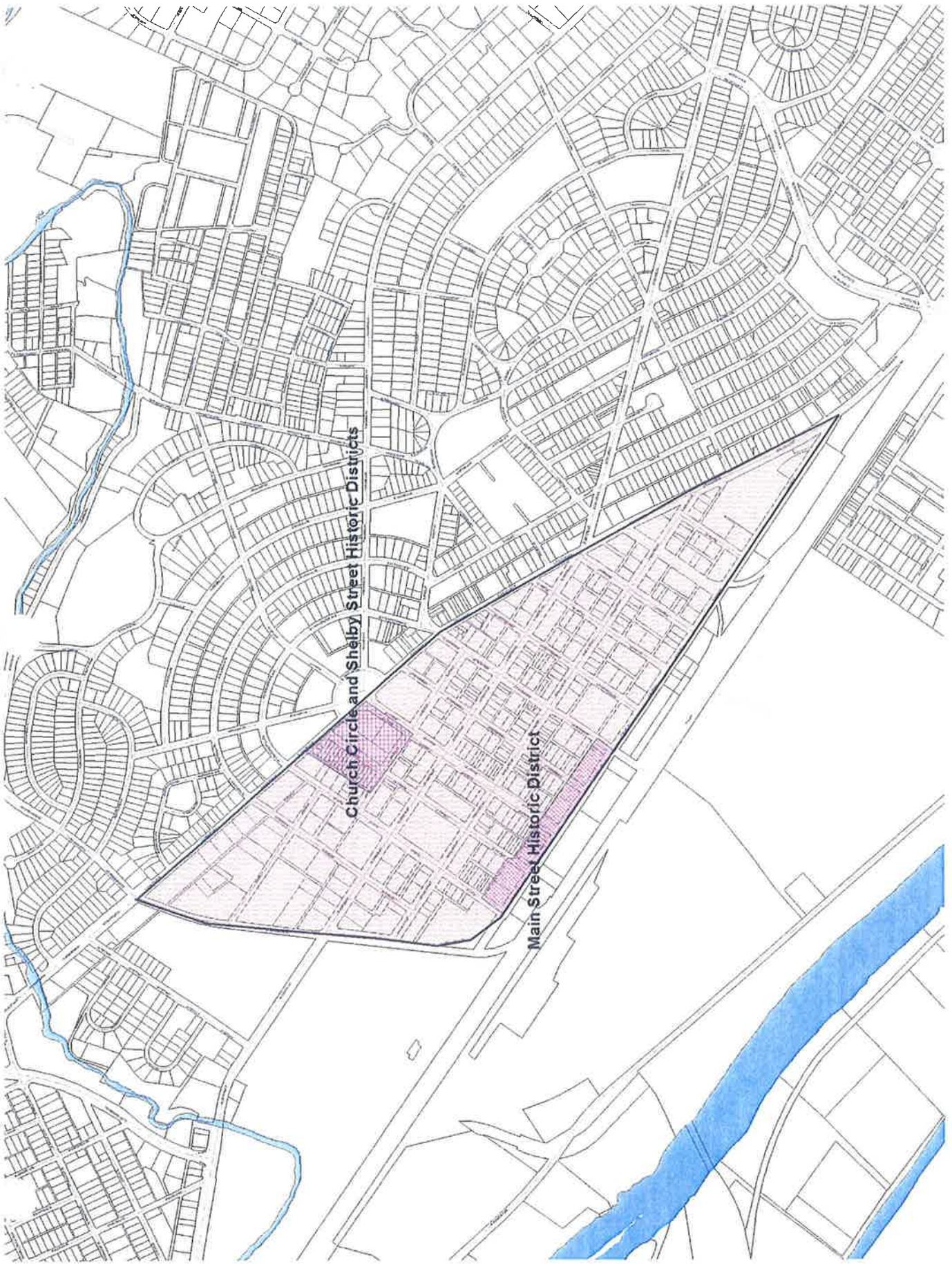
Construction Guidelines

1. All improvements must affect building exteriors and any exterior code violations. Construction materials should be selected based upon their

- longevity, projected maintenance, and compatibility with existing, surrounding materials, and be included in the overall façade plan.
2. Eligible improvements include; doors, windows, masonry repair, signage, awnings, windows, lighting, and painting.
 3. Ineligible improvements include; vinyl awnings, interior items, items not on public street faces, and security systems.
 4. Routine maintenance procedures or repairs that do not directly improve the façade are ineligible. In general, previously completed items are ineligible but may be considered at the discretion of the KEDB or the Façade Grant Committee.
 5. Designs submitted by the applicant and approved by the Committee will be utilized as the plans for which compliance with the guidelines of the KEDB and the Façade Grant Program's approval will be based. The Grant Committee and the KEDB will determine compliance before any grant monies are dispersed.
 6. All work must comply with all building and fire codes.
 7. **All improvements within Historic Districts must receive Historic Zoning Commission approval prior to submission for façade grant consideration.**
 8. The Façade Committee and the KEDB encourage façade plans in PDF format whenever feasible.

Administration

- a. The Façade Grant Program is administered by the KEDB, and all applications for assistance must be made to KEDB at the Chamber of Commerce. The Façade Grant Committee and the KEDB has the right to reject any proposal.
- b. Grant funds will only be issued after the completion, and final approval of the façade project. Pay requests submitted by the property owner will be required to be signed by the Building Official and the Historic Zoning Commission (as applicable) before payment is approved and issued by the KEDB.
- c. Façade improvement work will be limited to one hundred eighty (180) days. Ongoing inspections of construction must be conducted by the Building Official of the City of Kingsport.
- d. KEDB staff will maintain all records of plans, and fund disbursements.



Kingsport Economic Development Board

Application for Façade Grant Assistance

Applicant's Name: _____

Applicant's Phone #: _____

Site Location: _____

Cost Estimates: _____

Permitting Status: HZC _____ Building Permit _____

Eligibility Status: Taxes: _____ Liens: _____ Utilities: _____

Scope of Proposed Improvements: _____

Grant application plans must include: proof of property tax compliance, visuals of façade improvements as proposed, actual cost estimates, present façade pictures, detailed materials lists, and proposed colors for trims, doorways, etc. and window treatments and materials.

FOR OFFICE USE ONLY; please do not write below this line.

Date of Receipt: _____ Application #: _____

Grant Façade Committee Comments: _____

KEDB Comments: _____

Funding Approved: _____ Funding Denied: _____

Date of Approval/Denial: _____

Facade Grant Funds

Date	Name	Address	Grant Amount	Reimbursed	Expired	Date	Comments
Nov-06	Aaron Carson	201 Broad Street	\$9,693	\$9,693		Apr-07 & Jan-08	
Nov-06	John & Angela Vachon	255 Broad Street	\$7,500	\$7,500		Jun-08	
Nov-06	John & Angela Vachon	233 E. Sullivan St			\$10,000		expired; will need to reapply
Nov-06	John & Angela Vachon	114 116 E. Mkt St	\$5,000	\$5,000		Apr-08	
Apr-07	Aaron Carson	107 East Market St	\$2,800				extension approved Jan 09
Apr-07	Doug Beatty	231 East Sullivan St	\$5,000				extension approved Apr 09
Apr-07	Shawn & Jessica Sutterlin	207 Broad Street	\$5,000	\$5,000		Jan-08	
Jun-07	Ralph Crawford	245 Broad Street	\$5,000	\$5,000		Jan-08	
Jun-07	Beatty-Lane Developments	242 E Main Street	\$5,000	\$5,000		Oct-07	
Sep-07	Aaron Carson	345 E Sullivan St	\$2,414.29	\$2,414.29		Sep-08	
Apr-08	DKA, Lisa Childress	140 West Main St	\$5,000	\$5,000		May-09	approval pending additional docs
Apr-08	Tri Cities Casket Store	2728 East Center St	\$10,000				extension approved Apr 09
Jun-08	Discovery Ice Cream	231 Broad Street	\$5,000	\$5,000		Jun-08	
Jun-08	Mr. Sam Anderson	107 Center Street	\$10,000	\$10,000		Dec-08	
Jun-08	Mansy Properties, LLC	127,129,130-133 Broad Street	\$10,000	\$10,000		Oct-08	
Jun-08	Up Against the Wall Gallery	316 E Market Street					
Sep-08	George W. Taylor	113 Shelby Street	\$5,000	\$5,000		Dec-08	
Sep-08	George W. Taylor	117 Shelby Street	\$5,000	\$5,000		Dec-08	
Sep-08	George W. Taylor	119 Shelby Street	\$5,000	\$5,000		Dec-08	
Oct-08	D. Lounds, Variety Printing	112 E Market Street	\$4,198	\$4,198		Mar-09	
Oct-08	D. Chase, Dewayne's World	459 East Sullivan St	\$2,277.76	\$2,277.76		Apr-09	
Nov-08	D. Lounds, Variety Printing	112 E Market Street	\$1,150				
Nov-08	Fuller and Vaughn	215 E Sullivan St	\$2,362.50	\$2,362.50		Mar-09	
Jan-09	John & Angela Vachon	255 Broad Street	\$2,500	\$2,500		Feb-09	
Feb-09	Cindy Saadeh	126 and 128 East Market Street	\$10,000				
Apr-09	Adapt Core, LLC	240 East Main St	\$5,000				
Apr-09	DB3 Development, LLC	155 Broad Street	\$5,000				
	Urban Synergy	217 Broad Street	\$5,000	\$5,000		May-09	

\$139,895 \$93,445 \$10,000

Program Fund Commitments:		Actual Fund Expenditures:
Total funds available:	\$135,000	\$135,000
Grants Approved:	\$139,895	\$93,445
Uncommitted:	(\$4,895)	\$41,555

REDEVELOPMENT INCENTIVE GRANT

Kingsport Economic Development Board

423-392-8811

June 3, 2008

Grant Program General Guidelines

The purpose of the Kingsport Economic Development Board's (KEDB) Redevelopment Incentive Fund is to encourage redevelopment within the City of Kingsport -- especially downtown, but also citywide by providing nominal assistance in redevelopment costs (such as demolition, landfill fees, etc.). This program can be combined with other local programs (façade grant, tax increment financing, microloan) to maximize potential for redeveloping brownfields/grayfields by offsetting costs that are not found in greenfields developments.

The following are the policy guidelines for the Redevelopment Incentive Grant Program of the KEDB, for the City of Kingsport, Tennessee.

Property/Applicant/Owner Eligibility

1. Properties submitted for grant funds must meet eligibility criteria including; being current on property taxes and utility bills due the City and compliant with building and fire codes. Staff of the City of Kingsport will determine and submit these eligibility criteria to the KEDB and the Redevelopment Incentive Grant Committee.
2. Properties ineligible for assistance include; tax delinquent and tax exempt property, property in litigation, property in condemnation or in receivership.
3. Grant funds are available citywide.

Grant Guidelines

1. Projects must receive all applicable permits and approvals from the City of Kingsport and its boards, commissions and committees (including building, fire, planning, historic, etc.)
2. A project may receive grant funds up to 10% of project value with a \$20,000 maximum.
3. Project value shall be determined by the total value of publicly-recorded building and/or demolition permits associated with the project and as substantiated by receipts.
4. The program is limited to one redevelopment incentive grant per project; however, KEDB reserves the right to award grants to tenants of multi-tenant buildings, especially downtown. All applicable guidelines shall apply.
5. Grant funds may be reimbursed after:
 - a. Certificate of Occupancy (C.O.) is issued; or
 - b. Demolition is verified by the City Building Official.

Administration

1. The grant program will be administered by the Kingsport Economic Development Board, located at the Chamber of Commerce, 151 East Main Street, 423-392-8811.
2. KEDB has the right to reject any proposal.
3. KEDB staff will maintain all records of plans, and fund
4. All applications must be submitted to the Chamber of Commerce for review by the KEDB and must include copies of all applicable receipts, building permit(s), demolition permit(s), and Certificate of Occupancy (where applicable).
5. Applications must be submitted 30 days before the regular KEDB meeting (1st Tuesday of each month unless it conflicts with a holiday, at which time it moves to the next available Tuesday).
6. Unused grant awards expire after 12 months.
7. Initial program funding will be set at \$100,000 from date of approval through June 30, 2009. Future funding will be based on City budget appropriations to reimburse KEDB.

Kingsport Economic Development Board

Application for Redevelopment Incentive Grant

Applicant's Name: _____

Applicant's Phone #: _____

Site Location: _____

Cost Estimates: _____

Permitting Status: HZC _____ Building Permit _____

Eligibility Status: Taxes: _____ Liens: _____ Utilities: _____

Scope of Proposed Improvements: _____

Grant application plans must include: proof of property tax compliance, copies of building permit(s), demolition permit(s), Certificate of Occupancy (if applicable)

FOR OFFICE USE ONLY; please do not write below this line.

Date of Receipt: _____ Application #: _____

Grant Committee Comments: _____

KEDB Comments: _____

Funding Approved: _____ Funding Denied: _____

Date of Approval/Denial: _____

Redevelopm Incentive Fund

Date	Name	Address	Project Cost	Reimbursed	Date	Comments
Sep-08	Michael Mansey	125 Broad Street	\$425,000	\$19,129	Oct-08	
Oct-08	Cindy Saadeh	126-128 E Market 210 Commerce St	\$21,787	\$2,178	Dec-09	
Apr-09	Vachons	255 Broad Street	\$250,000	\$20,000	Apr-09	
Apr-09	Beatty-Lane Dev	242 East Main Street	\$125,000	\$12,500	Apr-09	
Apr-09	Adapt Core, Inc	453 East Main Street	\$75,000	\$7,500	Apr-09	
Apr-09	DB3 Development Co, LLC	227,229,231 E Sullivan	\$165,000	\$16,500	Apr-09	
Apr-09	DB3 Development Co, LLC	155 Broad Street	\$360,000	\$20,000	Apr-09	

\$97,807

Program Fund Committments:		
Total funds available:	\$100,000	04/09/09
Reimbursed:	\$97,807	04/09/09
Fund Balance:	\$2,193	04/09/09

As of May 12, 2009

PRE-FILED CITY RECORDER

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS FROM THE GENERAL FUND UNDESIGNATED FUND BALANCE TO ESTABLISH THE REDEVELOPMENT INCENTIVE PROGRAM (GP0928) AND THE FAÇADE PROGRAM (GP0929) FOR THE FISCAL YEAR ENDING JUNE 30, 2009; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That the General Fund budget be amended by appropriating funds from the General Fund Undesignated Balance in the amount of \$150 to establish the Redevelopment Incentive Program (GP0928) in the amount of \$75,000 and the Façade Program (GP0929) in the amount of \$75,000. The Kingsport Economic Development Board is requesting the BMA to make a one-time appropriation of \$75,000 for each program.

<u>Account Number/Description:</u>	<u>Budget</u>	<u>Incr/<Decr></u>	<u>New Budget</u>
Fund 110: General Fund			
<u>Revenues:</u>	\$	\$	\$
110-0000-392-0100 Fund Balance Appropriation	1,529,373	150,000	1,679,373
Totals:	1,529,373	150,000	1,679,373

<u>Expenditures:</u>	\$	\$	\$
110-4804-481-7036 Transfer General Proj. Fund	729,367	150,000	879,367
Totals:	729,367	150,000	879,367

Fund 311: General Project Fund			
<u>Redevelopment Incentive Program (GP0928)</u>			
<u>Revenues:</u>	\$	\$	\$
311-0000-3901-0100 General Fund	0	75,000	75,000
Totals:	0	75,000	75,000

<u>Expenditures:</u>	\$	\$	\$
311-0000-601-2022	0	75,000	75,000
Totals:	0	75,000	75,000

**Fund 311: General Project Fund
Façade Program (GP0929)**

Revenues:

311-0000-3901-0100 General Fund

Totals:

\$		\$
0	75,000	75,000
0	75,000	75,000

Expenditures:

311-0000-601-2022

Totals:

\$	\$	\$
0	75,000	75,000
0	75,000	75,000

SECTION II. That this Ordinance shall take effect from and after its date of passage, as the law direct, the welfare of the City of Kingsport, Tennessee requiring it.

ATTEST:

JAMES H. DEMMING
City Recorder

DENNIS R. PHILLIPS, Mayor

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING: _____

PASSED ON 2ND READING: _____



AGENDA ACTION FORM

Consideration of an Ordinance Authorizing the City Treasurer to Refund Certain Funds to Ball, Rose, and Greenwood, a Tennessee General Partnership d/b/a Reedy Creek Terrace

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Agenda Form No.: AF-140-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: June 2, 2009
 Staff Work: Jeff Fleming
 Presentation: Jeff Fleming

Recommendation: Approve the ordinance.

Executive Summary:

In 2006, the city entered into a performance agreement with Ball, Rose, and Greenwood, a Tennessee general partnership d/b/a Reedy Creek Terrace regarding the development of Reedy Creek Terrace. The agreement, a copy of which is attached required the partnership to deposit with the city up to \$200,000 for the installation of a traffic signal at Eastman Road and Ryder Drive. The city would reimburse the partnership for the amount it paid up to \$200,000 if certain milestones for development were met.

The project was required to generate \$4,000,000 in appraised taxable value, plus Starbucks and Panera. The County Property Assessor confirms these criteria have been met.

Mr. Ball, on behalf of the partnership deposited \$100,000 in cash with the remainder to be paid as signal construction met certain milestones. While the initial cost estimate of the signal was \$200,000, the actual cost of the signal installation was \$69,285, so Mr. Ball did not pay the remaining \$100,000. The intent of the agreement was for the partnership to initially pay for the installation of the city and for the city to reimburse the partnership for any used amount and as milestones were reached.

The partnership is entitled to a reimbursement of the unused portion which is \$30,715. Additionally, the partnership has a minimum investment of \$4,000,000 in the development as shown by the appraisal by the county tax assessor. This would entitle the partnership to a reimbursement of one-half of the remaining amount which is \$34,642.50. Moreover, attached is the original 2006 financial analysis updated to the current date. The original estimate called for a one-time public capital appropriation of \$200,000, with an expected return of \$116,796 per year in new sales and property tax revenue (city only). The actual capital expenditure was \$69,285 and the actual new revenue (per year, to date) is \$52,015. The actual incentive-to-revenue payback ratio was a conservative 1.71 years, while the actual is 1.33 years.

In view of this performance, staff recommends the Board reimburse the partnership the full \$100,000 it originally deposited. The reimbursement will be made from GP0815.

Attachments:

1. Spreadsheet -Reedy Creek Terrace Performance Analysis
2. Ordinance
3. Agreement between the city and the partnership

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

Reedy Creek Terrace
 Eastman Road at Ryder Drive
 Kingsport, Tennessee

Property Tax

Pre-Development Esti Post-Development At Source/Assumptions
Sep-06 May-09

Appraisal BEFORE Development	\$1,072,500	\$1,072,500	County Property Assessor's Office
Appraisal AFTER Development	\$5,072,500	\$4,079,956	County Property Assessor's Office
Assessed Value BEFORE Development	\$268,125	\$268,125	Based on 25% (vacant land)
Assessed Value AFTER Development	\$2,029,000	\$1,631,982	Based on 40% (commercial)
City Property Tax BEFORE Development	\$6,060	\$6,060	\$2.26 per \$100 of Assessed Value
City Property Tax AFTER Development	\$45,855	\$37,536	\$2.26 City tax rate (2006), \$2.30 City tax rate (2008)
New City Property Tax Received Per Year	\$39,796	\$31,476	
County Property Tax BEFORE Development	\$6,784	\$6,784	\$2.53 per \$100 of Assessed Value
County Property Tax AFTER Development	\$51,334	\$41,289	\$2.53 County tax rate (2006), \$2.53 County tax rate (2008)
New County Property Tax Received Per	\$44,550	\$34,505	

Sales Tax

Size of Development in square feet	40,000	10,670	56,000 site plan with 19% current buildout
Sales BEFORE Development	\$0	\$0	
Sales AFTER Development (per year)	\$8,000,000 *	\$2,134,000	\$200 per square foot (based on East Stone Commons model)
Net New Sales AFTER Development (per year)	\$5,600,000	\$1,493,800	Assume 70% of Sales are NEW and 30% are shifted from existing tax base
Local Sales Tax BEFORE Development	\$0	\$0	
New ANNUAL Local Sales Tax AFTER Development	\$63,000	\$16,805	1.125%
New ANNUAL Sales Tax for Regional Sales Tax Fund	\$14,000	\$3,735	0.025%
TOTAL Sales Tax Impact Per Year	\$77,000	\$20,540	2.5%

Incentive

Reimburse traffic signal installation costs to developer	\$200,000	\$69,285	
Total NEW Local Sales & Property Tax Revenues Received AFTER Development	\$116,796	\$52,015 **	per year at 19% buildout

PRE-FILED
ORDINANCE NO. ____ CITY RECORDER

AN ORDINANCE AUTHORIZING THE CITY TREASURER TO REIMBURSE CERTAIN FUNDS TO BALL, ROSE, AND GREENWOOD, A TENNESSEE GENERAL PARTNERSHIP D/B/A REEDY CREEK TERRACE, PURSUANT TO AN AGREEMENT WITH THE CITY FOR THE INSTALLATION OF A TRAFFIC SIGNAL; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, in 2006, the city entered into a performance agreement with Ball, Rose, and Greenwood, a Tennessee general partnership d/b/a Reedy Creek Terrace regarding the development of Reedy Creek Terrace; and

WHEREAS, the partnership deposited \$100,000 in cash with the city for the expected cost of the installation of a traffic signal at the intersection at Eastman Road and Ryder Drive; and

WHEREAS, the signal was installed and the actual cost of the signal installation was \$69,285; and

WHEREAS, in accordance with the terms of the agreement the partnership is entitled to a reimbursement of the unused portion which is \$30,715; and

WHEREAS, the partnership has achieved a minimum investment of \$4,000,000 in the development as shown by the appraisal by the county tax assessor entitling the the partnership to a reimbursement of one-half of the \$69,285 which is \$34,642.50; and

WHEREAS, .the performance of the development performed well so that the actual incentive-to-revenue payback ratio is 1.33 years rather than the projected 1.71 years; and

WHEREAS, the board finds that based on this performance the other provisions of the agreement should be waived and the partnership should be reimbursed the full \$100,000 it deposited with the city. Now, therefore,

BE IT ORDAINED by the City of Kingsport, as follows:

SECTION I. That the board waives the remaining requirements in the agreement dated October 4, 2006 between the city and Ball, Rose, and Greenwood, a Tennessee general partnership d/b/a Reedy Creek Terrace and the performance requirements of the partnership contained in the agreement between the parties is considered fulfilled.

SECTION II. That in accordance with Section I the board of mayor and aldermen authorizes and instructs the city treasurer to reimburse Ball, Rose, and Greenwood, a Tennessee general partnership, the amount of \$100,000 from the city treasury and specifically from project GP0815.

SECTION III. That this ordinance shall be effective from and after the date of its passage as the law directs, the public welfare of the citizens of Kingsport requiring it.

DENNIS R. PHILLIPS, Mayor

ATTEST:

JAMES DEMMING
City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

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AGREEMENT

This Agreement (the "Agreement") is made this 4th day of October, 2006 by and between the, the City of Kingsport, Tennessee (the "City") and Ball, Rose, and Greenwood, a TN general partnership d/b/a Reedy Creek Terrace (the "Developer"), acting by and through their respective authorized officers.

WITNESSETH:

WHEREAS, the Developer is working to develop certain property located at the intersection of Eastman Road and Ryder Drive in Kingsport, Tennessee (the "Property"); and

WHEREAS, the development project will require traffic signalization of the intersection of Eastman Road and Ryder Drive (the "Intersection"); and

WHEREAS, the City is willing to install a traffic signal at the Intersection pursuant to the terms of this Agreement; and

WHEREAS, the Developer is agreeable to initially providing full payment for the signalization of such Intersection pursuant to City standards and requirements and subject to the terms and conditions of this Agreement; and

WHEREAS, as the Property is developed by the Developer, signalization will be needed at the Intersection to protect the public health and safety; and

WHEREAS, the City is willing to reimburse the Developer for the cost of the signalization provided that the Developer pays the City for the initial costs of the signalization and certain other criteria are met as set forth in this Agreement.

NOW THEREFORE, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, the parties agree as follows:

1. The Developer agrees to fund signalization of the Intersection up to an amount up to TWO HUNDRED THOUSAND (\$200,000) dollars for the cost of designing, constructing and installing a traffic signal at the Intersection (the "Cost"), which includes but is not limited to, engineering and design work, underground power as needed, proper metal mast poles, and as otherwise required and desired by the City and as will be shown on the engineering plans prepared by the City to safely accommodate traffic associated with the Developer's proposed retail development and the motoring public in general. The Developer will deposit with the City the sum of ONE HUNDRED THOUSAND (\$100,000) dollars prior to the beginning of the design of the signalized Intersection in order to provide payment for the design of the signalized Intersection. The City agrees to use the funds for such purpose.

2. The Developer agrees to provide the City with an irrevocable Letter of Credit in the original principal amount of ONE HUNDRED THOUSAND (\$100,000) dollars with an expiration date of one (1) year following the date of issuance, to be issued by a national or state

bank located in Tennessee in favor of the City in order to secure the performance by the Developer of its obligations under this Agreement.

3. The Developer agrees to pay to the City up to an additional FIFTY THOUSAND (\$50,000) dollars for the Cost within thirty (30) days of commencement of construction and installation of the traffic signal at the Intersection. The Developer will pay to the City up to the remainder of the ONE HUNDRED THOUSAND (\$100,000) dollars for the Cost upon Fifty (50%) completion of construction and installation of the traffic signal at the Intersection. If at the completion of the installation of the traffic signal the City has incurred any Cost not covered by the previous payments, the Developer will pay such Cost up to a total equal to but not greater than the TWO HUNDRED THOUSAND (\$200,000) dollars set out in paragraphs 1 and 2 hereinabove, it being the intent of the parties that the Developer pay the City for all its Costs up to a total of the TWO HUNDRED THOUSAND (\$200,000) dollars.

4. Contingent on receipt of payment from the Developer for all Costs pursuant to paragraphs 1, 2 and 3 hereinabove the City will for the proper signalization of the Intersection and for a public purpose and public benefit utilize its authority to obtain the necessary equipment for the signalization and will install a signalized Intersection at Eastman Road and Ryder Drive on or before April 1, 2007. If the traffic signal signalization is not commenced by the City on or before December 31, 2009, then the City will, upon request of Developer, refund to Developer the ONE HUNDRED THOUSAND (\$100,000) dollars previously paid by Developer to the City for such purposes, and will return to Developer the letter of credit previously delivered to the City to secure Developer's obligations hereunder. If the traffic signal signalization is not completed by the City on or before December 31, 2010, then the City will upon request of the Developer return to Developer such portions of the Cost paid by Developer to the City that have not been reasonably incurred by the City in connection with the installation of the traffic signalization up to said date.

5. The Developer will develop on the Property a retail development known as Reedy Creek Terrace (hereinafter referred to as the "Development") which will be approximately Thirty-Five Thousand (35,000) square feet.

6. The Development will contain a Starbucks coffee shop and an upscale bakery/café, which will be either Panera Bread or St. Louis Bread at its opening.

7. The City will repay the Developer the amount of the Cost if and only if the Developer complies with and satisfies each of the conditions set forth below:

a) The City will refund to the Developer fifty (50%) percent of the payment made by the Developer to the City in paragraphs 1, 2 and 3 hereinabove within thirty (30) days following the date that:

i. The Developer (and the developer of any outparcels that are part of the Development) have a minimum investment of \$4,000,000 in the development as shown by either the building permits or the appraisal by the county tax assessor; and

ii. At the initial opening the Development must include a Starbuck's coffee shop and an upscale bakery/café, which will be either Panera Bread or St. Louis Bread.

b) The City will promptly refund to the Developer twenty-five (25%) percent of the payment made by the Developer to the City in paragraphs 1, 2 and 3 hereinabove upon fifty (50%) percent of the gross square footage of the Development being leased and occupied, if so leased and occupied on or before December 31, 2009; and

c) The City will promptly refund to the Developer twenty-five (25%) percent of the payment made by the Developer to the City in paragraphs 1, 2 and 3 hereinabove upon seventy-five (75%) percent of the gross square footage of the Development being leased and occupied, if so leased and occupied on or before December 31, 2010.

8. On December 31, 2010 or sooner if seventy-five (75%) percent of the gross square footage of the Development is leased and occupied and the City has refunded all of the money it is required to refund pursuant to this Agreement, both parties will be deemed to have completed their respective obligations and the terms of this Agreement will be in no further force or effect, except as otherwise set out in paragraph 20 hereinafter.

9. Under no circumstances will the City's obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision.

10. The terms and conditions of this Agreement are binding upon the successors and assigns of the parties hereto.

11. It is acknowledged and agreed by the parties that the terms hereof are not intended to and will not be deemed to create a partnership or joint venture among the parties.

12. Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

13. Any notice required or permitted to be delivered hereunder will be deemed received (i) three (3) days after deposit into the United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below or (ii) on the day actually received if sent by courier or otherwise hand delivered.

If intended for the City, to:

Attn: City Manager
City of Kingsport
225 West Center Street
Kingsport, Tennessee 37660

With copy to:
City Attorney
City of Kingsport

225 West Center Street
Kingsport, Tennessee 37660

If intended for the Developer:

Attn: Roger Ball
P.O. Box 237, 1894 Hwy 25 E
Tazewell, Tennessee 37879

14. This Agreement is the entire agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written agreement between the parties that in any manner relates to the subject matter of this Agreement.

15. This Agreement will be governed by the laws of the State of Tennessee; and venue for any action concerning this Agreement will be in the State Courts for Kingsport, Tennessee.

16. This Agreement may only be amended by a written agreement executed by both parties.

17. In the event any one or more of the provisions contained in this Agreement are for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision will be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

18. The recitals to this Agreement are incorporated herein.

19. This Agreement may be executed in counterparts. Each of the counterparts will be deemed an original instrument, but all of the counterparts will constitute one and the same instrument.

20. Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement will survive termination.

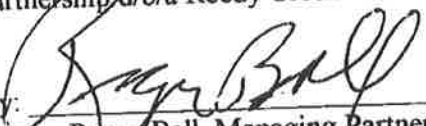
21. This Agreement may not be assigned without the City's prior written consent. Neither the Developer nor its legal representatives or successors in interest will, by operation of law or otherwise, assign, mortgage, pledge, encumber or otherwise transfer this Agreement or any part hereof, or the interest of the Developer under this Agreement, without obtaining the City's prior written consent, which may be given or withheld in the City's sole discretion. Any attempted assignment by the Developer in violation of the terms and provisions of this Agreement will be void and will constitute a material breach of this Agreement.

22. In the event of litigation relating to the subject matter of this Agreement, the non-prevailing party will reimburse the prevailing party for all reasonable attorney fees and costs resulting therefrom.


IN WITNESS WHEREOF, the parties have affixed their respective signatures in duplicate originals as of the day and year first above written.

DEVELOPER:

Ball, Rose, and Greenwood, a TN general partnership d/b/a Reedy Creek Terrace

By: 
Roger Ball, Managing Partner

CITY OF KINGSPORT, TENNESSEE

By: 
Dennis R. Phillips, Mayor

ATTEST:


JAMES DEMMING, City Recorder

APPROVED AS TO FORM:


J. MICHAEL BILLINGSLEY, City Attorney



AGENDA ACTION FORM

Consideration of a Resolution Authorizing an Amendment to an Agreement Between The Netherland Inn Association and The City of Kingsport for Operation and Maintenance of the Netherland Inn Bank Barn and Pioneer Transportation Museum

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Action Form No.: AF-143-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: May 19, 2009
 Staff Work By: Billingsley / Albright
 Presentation By: Billingsley / Albright

Recommendation:

Approve resolution.

Executive Summary:

Construction of the Netherland Inn Bank Barn and Transportation Museum is nearly complete. A punch list of final touch up items has been developed and should be completed within a few days. With this in mind, the project has reached a point where the facility can now be turned over to the Netherland Inn Association (NIA) for development of the "Museum" and management of the building. Previously a general agreement concerning "responsibilities and obligations of the parties" was developed between the City and the NIA (when the federal grant was initiated). The current action is being presented to the Board in order to insert more specific details in to the operating agreement. The amendment, along with the original agreement, requires the Association to open and operate the museum on a weekly basis for a reasonable period of time (suggested minimum 18 hours per week), pay all utilities bills, provide adequate insurance coverage, manage all operating records, and be subject to an annual audit by the City. Revenues generated by the museum must, per state and federal grant regulations, be used to operate, maintain, and/or improve the Bank Barn Museum. Museum items can also be purchased, repaired, or leased using these revenues as well. The amendment will take effect on July 1, 2009 and the agreement in its entirety will be renewed upon an annual review.

Attachments:

1. Resolution
2. Amendment to Original Agreement

Funding source appropriate and funds are available: NA

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE A FIRST AMENDMENT TO THE AGREEMENT
WITH THE NETHERLAND INN/EXCHANGE PLACE
ASSOCIATION PERTAINING TO THE BANK BARN

WHEREAS, the city and the Netherland Inn/Exchange Place Association (Association) are parties to an agreement approved by Resolutuon Number 2005-071 on December 21, 2004 setting out the responsibilities and obligation of the parties concerning the construction and use of the Bank Barn; and

WHEREAS, the Bank Barn is now fully constructed and ready for use; and

WHEREAS, the parties desire to amend the agreement to further define their responsibilities and obligation for use of the Bank Barn; and

WHEREAS, the amendment shall become effective July 1, 2009 and may be renewed annually subject to the approval of the parties.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney and subject to Article X, Section 10 of the Charter of the City of Kingsport, a First Amendment to the Agreement between the city and the Netherland Inn/Exchange Place Association approved by Resolutuon Number 2005-071 on December 21, 2004 pertaining to the Bank Barn.

SECTION II. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 19th day of May, 2009.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

FIRST AMENDMENT TO AGREEMENT PERTAINING TO THE BANK BARN

THIS FIRST AMENDMENT TO THE AGREEMENT PERTAINING TO THE BANK BARN, hereinafter "Amendment" is entered into as of May __, 2009, by and between the City of Kingsport, Tennessee, hereinafter "CITY", and The Netherland Inn/Exchange Place Association, hereinafter "ASSOCIATION".

WITNESSETH

WHEREAS, CITY and ASSOCIATION are parties to an Agreement dated December __, 2004, which Agreement set out the responsibilities and obligation of the parties concerning the construction and use of the Bank Barn; and

WHEREAS, the Bank Barn is now fully constructed and ready for use; and

WHEREAS, the parties desire to further define their responsibilities and obligation for use of the Bank Barn; and

WHEREAS, CITY and ASSOCIATION desire to amend the Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, CITY and ASSOCIATION hereby agree as follows:

Section 1. The parties recognize that the construction of the Bank Barn was funded in part from a grant made available by the Tennessee Department of Transportation pursuant to contract number 040201 and as such ASSOCIATION agrees that it shall at all time use the Bank Barn in compliance with the requirements of said grant.

Section 2. ASSOCIATION shall at its expense operate a transportation museum in the Bank Barn in accordance with the grant set out in section 1, which museum shall be reasonably open to the public. ASSOCIATION agrees that the museum shall be open to the public at least three days per week from the hours of 10:00 a.m. to 4:00 p.m., with one such day being on the weekend.

Section 3. ASSOCIATION agrees that if there is an admission charge to the museum the proceeds from such, and all fund raising done on the Bank Barn premises, all proceeds from private showings and events, and all proceeds from rental of the Bank Barn will go solely for the upkeep, maintenance and improvement of the Bank Barn.

Section 4. ASSOCIATION shall establish and maintain an accounting, record-keeping and reporting system consistent with generally accepted accounting principles and no less than those recommended in the Accounting Manual for Recipients of Grant Funds in Tennessee, published by the Comptroller of the Treasury, State of Tennessee. ASSOCIATION further agrees to submit to CITY a copy of its most recent audited report at the same time said report is submitted to the State government. CITY shall have the right at all times to conduct an audit by or acceptable to CITY of the books of the ASSOCIATION related to fees and revenue associated with the Bank Barn. ASSOCIATION shall permit CITY or its representatives to inspect all work, materials,

payrolls, and other records with regard to the project, and to audit the books, records, and accounts of ASSOCIATION with regard to the project. Such records will be retained for this purpose for a period of not less than three years. Subsequent to the close of ASSOCIATION'S fiscal year each year, ASSOCIATION shall furnish a final audit report prepared by a governmental audit agency, or an independent public accountant, which will include at minimum a statement of revenue, expense and any changes in financial position for ASSOCIATION'S fiscal year. ASSOCIATION agrees that it shall comply with any other provisions the CITY deems necessary to collect, account for, and disburse such revenue.

Section 5. ASSOCIATION shall keep the Bank Barn, including without limitation, interior walls, floors, ceiling and light fixtures, as clean and in as good repair as the same are at the commencement of this term or may be put in during the continuance thereof, reasonable wear and tear and damage by fire, other casualty, or condemnation excepted, and will promptly replace all glass broken during said term with glass of the same quality. ASSOCIATION shall procure its own janitorial and security alarm services.

ASSOCIATION shall be responsible for the payment of all bills and/or assessments for electrical, natural gas, telephone, water and sewer and other utilities serving the Bank Barn.

Section 6. That the Agreement is not otherwise amended or modified.

IN WITNESS WHEREOF, CITY and ASSOCIATION, acting by and through their proper and duly authorized representatives, have each duly executed this First Amendment to Agreement Pertaining to the Bank Barn as of the day and year first written above.

**NETHERLAND INN/EXCHANGE PLACE
ASSOCIATION**

JAMES D. FINNEY
Chairman

CITY OF KINGSPORT, TENNESSEE

ATTEST:

JAMES H. DEMMING
City Recorder

DENNIS R. PHILLIPS
Mayor

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY
City Attorney



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Execute all Necessary and Proper Documents to Update the Agreement for Services for the Diabetes Management Program

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Action Form No.: AF: 141-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: May 19, 2009
 Staff Work By: Lesley Christian
 Presentation By: Lesley Christian

Recommendation: Approve the resolution.

Executive Summary:

Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. has been the administrator of our Diabetes Management Program since the program began in May 2007. Initially there were 22 participants. Currently, there are 47 participants.

The original Agreement for Services was based on 8 on-site nursing hours per month at a rate of \$41.44 per hour (\$331.52 total per month) and a flat fee of \$16.50 per participant per month. The new rate is \$31.00 per participant per month with no on-site nursing fees. Based on the current number of participants, the approximate cost increase per month will be \$350 or \$4200 for the year. Funds are available in the wellness budget to cover this increase. This is a very worthwhile program that has made a difference in the health and lives of the participants.

In January 2007, proposals for a Diabetes Management program were evaluated. Three proposals were received, including the Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. proposal. The cost for the other programs was over \$50 per participant per month.

Attachments:

1. Resolution
2. Agreement for Services

Funding source appropriate and funds are available: _____

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH WILSON PHARMACY, INC./CLINICAL MANAGEMENT CONCEPTS, INC. FOR A DIABETES MANAGEMENT PROGRAM

WHEREAS, Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. has been the administrator of the city's Diabetes Management Program since May 1, 2007; and

WHEREAS, the program has grown from 22 participants to 47 participants; and

WHEREAS, the city desires to continue to use the services of Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. for the administration of the Diabetes Management Program be approved; and

WHEREAS, the original agreement for services was based on 8 on-site nursing hours per month at a rate of \$41.44 per hour (\$331.52 total per month) and a flat fee of \$16.50 per participant per month; and

WHEREAS, the new rate is \$31.00 per participant per month with no on-site nursing fees; and

WHEREAS, based on the current number of participants the approximate cost increase per month will be \$350.00; and

WHEREAS, funds are available in the wellness budget.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney and subject to Article X, Section 10 of the Charter of the City of Kingsport, an agreement, and all other documents necessary and proper to effectuate the purpose of the agreement, with Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. for administration of the city's Diabetes Management Program.

SECTION II. That this resolution shall take effect immediately upon its adoption, the public welfare requiring it.

ADOPTED this the 19th day of May, 2009.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

Agreement For Services

Wilson Pharmacy, Inc
Clinical Management Concepts, Inc.

Parties of the Contract: Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. and
City of Kingsport, Tennessee.

City of Kingsport, Tennessee has authorized Wilson Pharmacy, Inc./Clinical Management Concepts, Inc. to administer wellness programs as described in this contract, to bill for services, and to resolve questions concerning the program content. The term of this agreement is 12 months, and automatically renews on the anniversary date with mutual agreement by both parties. Rate adjustments will be mutually agreed upon by both parties and will be effective on the anniversary date. Contract may be terminated by either party without cause with a 60 day written notice by the terminating party.

Programs to be administered:

Disease Management	\$31.00 per participant (30 minimum)
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*Pricing is based on 600 employees estimating that 7% are diabetic and will participate in the diabetes management program.
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Program dates: May 1, 2009 to April 30, 2010

Estimated number of participants:

Per participant per Month	47	Diabetes Program	@	\$31.00	=	\$17,484.00
Estimated Annual Total						\$17,484.00

All other programs are offered at \$25.00 per participant.

Additional services will be billed at the time of service and paid according to invoice terms.

PAYMENT PROCESS and TERMS:

City of Kingsport will pay "Clinical Management Concepts, Inc" as billed. Invoices are payable upon receipt.

City of Kingsport, Tennessee

Wilson Pharmacy, Inc.
Clinical Management Concepts, Inc.

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



AGENDA ACTION FORM

Consideration of a Resolution to Authorize the Purchase of Dell Computers from the Wilson County State Contract and Authorize the Mayor to Sign all Applicable Documents

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Action Form No.: AF-144-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: May 19, 2009
 Staff Work By: Committee
 Presentation By: S. Crawford

Recommendation:

Approve the resolution.

Executive Summary: Authority to purchase from state contracts is given to local jurisdictions by TCA 12-3-1001 and 12-3-1004. Wilson County Schools received sealed proposals on April 9, 2009 for data processing equipment. Six vendors were invited to bid and four responses were received. It was determined that Dell had the best proposal. It is recommended that approval be given to execute a Cooperative Purchasing Agreement with Wilson County Schools and continue to purchase computers and associated items for the schools under their five year agreement.

Funding for the estimated \$250,000 annual purchases will be provided through the School's approved budget.

Attachments:

1. Resolution
2. Cooperative Purchasing Agreement

Funding source appropriate and funds are available: _____

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A WILSON
COUNTY SCHOOLS COOPERATIVE PURCHASING AGREEMENT TO
PURCHASE DELL COMPUTERS FOR THE KINGSPORT CITY SCHOOL
SYSTEM

WHEREAS, authority to purchase from state contracts is given to local jurisdictions by T.C.A. Sections 12-3-1001 and 12-3-1004; and

WHEREAS, Wilson County Schools received sealed proposals on April 9, 2009 for data processing equipment; and

WHEREAS, six vendors were invited to bid and four responses were received; and

WHEREAS, it was determined that Dell had the best proposal; and

WHEREAS, the city desires to enter into a Cooperative Purchasing Agreement with Wilson County Schools to purchase computers and associated items from the bid awarded to Dell by the Wilson County School System; and

WHEREAS, funding for the estimated \$250,000 annual purchases will be provided through Kingsport City Schools approved budget.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney and subject to Article X, Section 10 of the Charter of the City of Kingsport, a Wilson County Schools Cooperative Purchasing Agreement for the purchase of computers and associated items, in the estimated amount of \$250,000, from a bid awarded to Dell by the Wilson County School System.

SECTION II. That this resolution shall take effect immediately upon its adoption, the public welfare requiring it.

ADOPTED this the 19th day of May, 2009.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

WILSON COUNTY SCHOOLS COOPERATIVE PURCHASING AGREEMENT

The City of Kingsport School System (or agency) requests permission from the Wilson County School System to purchase from bids awarded by the Wilson County School System.

The City of Kingsport School System (or agency) agrees to purchase directly from the vendor that is awarded the Wilson County School System bid. The City of Kingsport School System agrees to be financial responsible for all orders placed and hold the Wilson County School System harmless against any claims from orders placed by the _____ School System.

The Wilson County School System has placed awarded bids on its web site (wcschools.com) reflecting the contract and award information for school systems and agencies to download for documentation purposes.

County or School District – City of Kingsport School System

Representative's Name – Dennis R. Phillips, Mayor

Representative's Signature _____

The Wilson County School System grants permission for the _____ School System (or agency) to purchase from bids awarded by our school system.

**James M. (Mike) Davis,
Director of Schools
Wilson County, Tennessee**

This document is to comply with T.C.A. 12-3-1004 which provides for local governments to enter into cooperative purchasing agreements.

Please return two signed copies to Wilson County Schools, 351 Stumpy Lane Lebanon, TN 37090, Attn: James M. (Mike) Davis. Wilson County Schools will return one signed copy to you and keep one for their records.



AGENDA ACTION FORM

Consideration of a Resolution Adopting a Pay Plan Policy for City Employees

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Action Form No.: AF-137-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: May 19, 2009
 Staff Work By: Billingsley, Duncan
 Presentation By: Billingsley

Recommendation: Approve the resolution.

Executive Summary:

The personnel policies continue to be updated. The old Classification Procedures Policy has been rewritten to reflect current practice and has been entitled "Pay Plan Policy". The Pay Plan Policy has been reviewed by the Leadership Team, and its adoption is recommended.

Approximately four (4) policies remain to be updated with a completion date projected as June 16, 2009.

Attachments:

1. Resolution

Funding source appropriate and funds are available: _____

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. _____

A RESOLUTION ADOPTING A PAY PLAN POLICY FOR CITY
EMPLOYEES

WHEREAS, the city is updating its personnel policies; and

WHEREAS, the city desires to adopt a Pay Plan Policy to establish standards that are understandable, reflect current practice, are beneficial to the city and its employees.

Now, therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the following policy is adopted as the official Pay Plan Policy for the City of Kingsport:

Administration

Under the direction of the City Manager, or designee, the Human Resources Manager, or designee, is responsible for the administration of the city's pay plan. The plan shall be reviewed as needed to determine any changes desirable for the city to compete in the labor market. The pay plan is approved by the board of mayor and aldermen in the city's annual budget ordinance. Basic elements of the plan include:

- Establishment of pay grades with a minimum and a maximum salary range; and
- Classification of jobs to specific pay grades.

Job Descriptions / Job Titles

A job description shall be developed and maintained for each position reflecting the essential functions, duties, responsibilities, knowledge, skills, abilities, and education necessary to perform the job at a satisfactory minimum level. Job descriptions shall be prepared by the respective department head, or designee, in conjunction with the Human Resources Manager, or designee.

Reclassification

Whenever a department head, or designee, determines that a significant change is made in the duties and responsibilities of a job, the department head, or designee, shall submit written documentation to the Human Resources Manager, or designee, for review and analysis of the job to determine if a reclassification is warranted. The Human Resources Manager, or designee, shall analyze the changes and submit a recommendation to the

department head, or designee, and the City Manager, or designee, for approval and inclusion of the change in the next fiscal year budget.

Other Provisions

Nothing in this policy should be construed to conflict with or supersede state or federal law, or as interfering with the constitutional rights of employees.

While the city is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the city and its employees. This policy supersedes all policies that conflict with the terms of this policy. Furthermore, this statement constitutes ONLY the policy of the city. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

SECTION II. That Section 5, Classification Procedures, of the City of Kingsport Policies and Procedures Manual, revised September 1998, and all other existing policies and administrative regulations pertaining to the subject of the policy herein set out in Section I of this resolution are repealed.

SECTION III. That nothing herein shall be construed to conflict with or supersede any applicable state or federal law.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 19th day of May, 2009.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY



AGENDA ACTION FORM

Consideration of a Resolution Authorizing the Mayor to Execute all Documents to Close on the Sale of a Portion of the Quebecor Property for "Project Friday"

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Action Form No.: AF 147-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: May 19, 2009
 Staff Work By: J. Campbell, M. Billingsley
 Presentation By: J. Campbell

Recommendation: Approve the resolution.

Executive Summary:

The interested parties of 'Project Friday' are ready to move forward with Phase I and Phase II of the acquisition of a portion of the building located on the Clinchfield Street and Sullivan Street side of the Quebecor property. At the July 15, 2008 Board of Mayor and Aldermen meeting, you asked the Kingsport Economic Development Board (KEDB) to facilitate the development of the above-specified building for Project Friday. After much work and investigation, KEDB has reached an agreement with the Project Friday group (Press Group, LLC) to develop the back one-third and middle one-third of the building, or approximately 200,000 square feet. KEDB did a very good job balancing the cost of the old building (which requires a lot of work) with the potential economic benefit of this project, plus the great stimulus it will give to that portion of downtown. The doctors of Mountain Region Family Practice (Press Group, LLC) have agreed to pay immediately \$250,000 for 200,000 square feet, and an additional \$100,000 for the area the metal building is on for parking as they near completion. Construction is expected to begin by the end of this year. They are still interested in developing the front one-third (Press Street) of the building. While the agreement may not be completely finished, the doctors are eager to buy the first phase and get started.

The attached resolution authorizes the Mayor to execute all documents necessary to close on the sale of this property, upon approval of all documents by the City Attorney, which would include a Purchase Agreement, a quitclaim deed to the property and any other documents necessary and proper to facilitate the sale of the property upon the general terms outlined in the attachment to this action form entitled "General Terms of the Sale of the Property."

Attachments:

1. Resolution
2. General Terms of the Sale of the Property
3. Resolution No. 2009-031

Funding source appropriate and funds are available: _____

	Y	N	O
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS TO CLOSE ON THE SALE OF A PORTION OF THE QUEBECOR PROPERTY FOR "PROJECT FRIDAY" AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO FACILITATE THE SALE OF THE PROPERTY

WHEREAS, the interested parties of "Project Friday" are ready to move forward with Phase I and Phase II of the acquisition of a portion of the building located on the Clinchfield Street and Sullivan Street side of the Quebecor property; and

WHEREAS, at the July 15, 2008 Board of Mayor and Aldermen meeting, the board asked the Kingsport Economic Development Board (KEDB) to facilitate the development of the the building for Project Friday; and

WHEREAS, after much work and investigation, KEDB has reached an agreement with the Project Friday group (Press Group, LLC) for a portion of the property; and

WHEREAS, certain documents must be executed to facilitate the sale of the property; and

WHEREAS, approval of this resolution will provide economic benefit from Project Friday and stimulate that portion of the downtown area.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney and subject to Article X, Section 10 of the Charter of the City of Kingsport, all documents to close on the sale of a portion of the Quebecor Property to Press Group, LLC for Project Friday Phase I and Phase II, including a purchase agreement and quit claim deed, in the amount of \$350,000 and with other conditions as set out herein as follows:

- City will sell 200,000 square feet along with the parking lot north of the building abutting Sullivan Street for a total price of \$350,000.
- Upon a payment of \$250,000 the city will convey the 200,000 square feet and the parking lot to Press Group, LLC.
- Upon a payment of \$100,000 the city will convey the property behind the 200,000 square feet and which is where the metal buildings are currently located.
- The Press Street one-third of the building is not included in this sale.
- The conveyance is subject to the Brownfield Agreement between the city and the Tennessee Department of Environment and Conservation and the Order approving such. The buyer, or its successors, will not penetrate the ground or the cap over the ground of the property without approval by the city and the Tennessee Department of Environment and Conservation. This will be a covenant in the deed.
- Buyer acknowledges the existence and contents of the Brownfield agreement with the city, the state, and the previous owner and agrees to comply fully with the requirements thereof. Buyer also acknowledges that the use of the property is restricted by such agreements, and it will do nothing to cause the city or the previous owner to be in violation of the Brownfield agreement or cause them to incur any liability related to that agreement or hazardous materials that may be on the site. The Buyer must acknowledge that it has had the reasonable opportunity to review the Brownfield agreements and related documents and that it will fully comply with it and that it will indemnify the city for any violation. We want to make sure the Buyer understands that there are restrictions to the use of this property that will be ongoing and that there are severe financial consequences for failing to comply with the Brownfield agreement.

- The parking lot north of the building abutting Sullivan Street will be restricted to use as parking only. If all or part of the parking lot is sold, or ownership transferred, or the property is leased or used by another person or entity or any other mechanism is used to allow another person or entity to sue the parking lot for anything other than a parking lot the consideration over and above the costs of the parking lot, which is \$1.00 per square foot, will be split one-third to the seller or owner making the conveyance and two-thirds to the city. This restriction can only be waived by the board of mayor and aldermen. The city will have architectural review of the improvement.
- In the parking lot abutting Sullivan Street the city reserves a right of way for street and utility purposes to allow the city to widen and improve Sullivan Street and the intersection of Sullivan and Clinchfield Streets, including bike lanes and sidewalks. The general plan is to eventually expand Sullivan Street to three auto lanes, two bike lane and sidewalks separated from the street by a parkway on each side of the street, and improve the Sullivan Street and Clinchfield Street intersection, including sidewalks and a parkway.
- The conveyance is subject to Canal Street that runs across the parking lot.
- The city will have architectural review and approval of the aesthetics and other compliance with city regulations on the external components of Buyer's improvements.
- The conveyance is subject to all restrictions, easements, and encumbrances of record.
- The Buyer will invest a minimum \$9,000,000 in the initial development of the project with construction to begin in 2009.
- The Buyer may have an option on the remainder of the building upon terms agreed to by the parties.
- Conveyance by quitclaim deed.
- The city will retain a right of reversion if the property is not developed as agreed.

SECTION II. That the Mayor, in a form approved by the City Attorney, may modify the terms of the sale provided such modification does not change the substance of the terms.

SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 19th day of May, 2009.

DENNIS R. PHILLIPS, MAYOR

ATTEST:

JAMES H. DEMMING, CITY RECORDER

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, CITY ATTORNEY

General Terms of the Sale of the Property - Project Friday Agreement

- City will sell 200,000 square feet along with the parking lot north of the building abutting Sullivan Street for a total price of \$350,000.
- Upon a payment of \$250,000 the city will convey the 200,000 square feet and the parking lot to Press Group, LLC.
- Upon a payment of \$100,000 the city will convey the property behind the 200,000 square feet and which is where the metal buildings are currently located.
- The Press Street one-third of the building is not included in this sale.
- The conveyance is subject to the Brownfield Agreement between the city and the Tennessee Department of Environment and Conservation and the Order approving such. The buyer, or its successors, will not penetrate the ground or the cap over the ground of the property without approval by the city and the Tennessee Department of Environment and Conservation. This will be a covenant in the deed.
- Buyer acknowledges the existence and contents of the Brownfield agreement with the city, the state, and the previous owner and agrees to comply fully with the requirements thereof. Buyer also acknowledges that the use of the property is restricted by such agreements, and it will do nothing to cause the city or the previous owner to be in violation of the Brownfield agreement or cause them to incur any liability related to that agreement or hazardous materials that may be on the site. The Buyer must acknowledge that it has had the reasonable opportunity to review the Brownfield agreements and related documents and that it will fully comply with it and that it will indemnify the city for any violation. We want to make sure the Buyer understands that there are restrictions to the use of this property that will be ongoing and that there are severe financial consequences for failing to comply with the Brownfield agreement.
- The parking lot north of the building abutting Sullivan Street will be restricted to use as parking only. If all or part of the parking lot is sold, or ownership transferred, or the property is leased or used by another person or entity or any other mechanism is used to allow another person or entity to sue the parking lot for anything other than a parking lot the consideration over and above the costs of the parking lot, which is \$1.00 per square foot, will be split one-third to the seller or owner making the conveyance and two-thirds to the city. This restriction can only be waived by the board of mayor and aldermen. The city will have architectural review of the improvement.
- In the parking lot abutting Sullivan Street the city reserves a right of way for street and utility purposes to allow the city to widen and improve Sullivan Street and the intersection of Sullivan and Clinchfield Streets, including bike lanes and sidewalks. The general plan is to eventually expand Sullivan Street to three auto lanes, two bike lane and sidewalks separated from the street by a parkway on each side of the street, and improve the Sullivan Street and Clinchfield Street intersection, including sidewalks and a parkway.
- The conveyance is subject to Canal Street that runs across the parking lot.
- The city will have architectural review and approval of the aesthetics and other compliance with city regulations on the external components of Buyer's improvements.
- The conveyance is subject to all restrictions, easements, and encumbrances of record.

- The Buyer will invest a minimum \$9,000,000 in the initial development of the project with construction to begin in 2009.
- The Buyer may have an option on the remainder of the building upon terms agreed to by the parties.
- Conveyance by quitclaim deed.
- The city will retain a right of reversion if the property is not developed as agreed.

RESOLUTION NO. 2009-031

A RESOLUTION AUTHORIZING THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE (KEDB) TO GRANT AN OPTION UNTIL DECEMBER 31, 2008 AND NEGOTIATE TOWARD THE PURCHASE OF A PORTION OF THE NEWEST SECTION OF THE QUEBECOR / KINGSPORT PRESS SITE ADJOINING SULLIVAN AND CLINCHFIELD STREETS AND AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS

WHEREAS, the Industrial Development Board of the City of Kingsport, Tennessee (KEDB) has been approached by a prospect interested in purchasing up to 200,000 square feet of the newest section of the Quebecor building adjoining Sullivan and Clinchfield Streets; and

WHEREAS, the prospect would like to have an option to explore the possibility of acquiring a portion of the building through December 31, 2008; and

WHEREAS, the total project investment could be more than \$16,000,000 and involve all three (3) floors of the existing building.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Industrial Development Board of the City of Kingsport, Tennessee (KEDB) is authorized to grant an option until December 31, 2008 and negotiate toward the purchase of a portion of the newest section of the Quebecor / Kingsport Press site adjoining Sullivan and Clinchfield Streets.

SECTION II. That the Mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, is authorized to execute, in a form approved by the City Attorney and subject to the requirements of Article X, Chapter 10 of the Charter of the City of Kingsport, an option agreement, and all applicable documents, with the Industrial Development Board of the City of Kingsport, Tennessee (KEDB) for the property as set out in Section I above if needed.

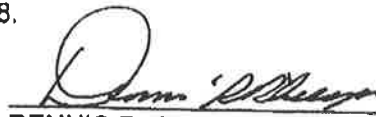
SECTION III. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 15th day of July, 2008.

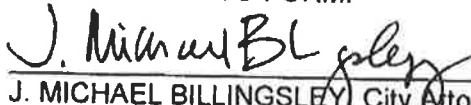
ATTEST:


ELIZABETH A. GILBERT
Deputy City Recorder




DENNIS R. PHILLIPS, Mayor

APPROVED AS TO FORM:


J. MICHAEL BILLINGSLEY City Attorney



AGENDA ACTION FORM

Consideration of an Ordinance Establishing a Policy in Compliance with T.C.A. Section 47-18-2901 for the Protection of Confidential Information on Laptop Computers and Removable Storage Devices

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Action Form No.: AF-87-2009
 Work Session: May 4, 2009
 First Reading/ (Business Matters Held):
 May 5, 2009

Final Adoption: May 19, 2009
 Staff Work By: Wexler, Billingsley
 Presentation By: Billingsley

Recommendations: Approve the ordinance.

Executive Summary:

In the last legislative session the General Assembly passed what is now codified as T. C. A. Section 47-18-2901. That code section requires all municipalities to create safeguards and procedures for ensuring that confidential information regarding citizens is securely protected on all laptop computers and other removable storage devices used by the municipality. Failure to comply with this section creates a cause of action or claim for damages against the municipality if a citizen of this state proves by clear and convincing evidence that the citizen was a victim of identity theft due to a failure to provide safeguards and procedures regarding that citizen's confidential information. The attached ordinance enacts a policy to comply with this state law.

This ordinance will apply to all city employees including city school employees. Dr. Kitzmiller and his information services employees have reviewed and concur with the policy contained in the ordinance

Attachments:

1. Ordinance
2. Copy of T.C.A. section 47-18-2901

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—



AGENDA ACTION FORM

Consideration of an Approval of Offer for Easements and Right-of-Ways for the Dale Street Sewer Line Extension Project

To: Board of Mayor and Aldermen
 From: John G. Campbell, City Manager

Action Form No.: AF-138-2009
 Work Session: May 18, 2009
 First Reading: May 19, 2009

Final Adoption: May 19, 2009
 Staff Work By: R. Trent, L. Williams
 Presentation By: R. McReynolds

Recommendation: Approve the offer.

Executive Summary:

In order to extend sanitary sewer services in the Dale Street area, the Public Works Department has requested a right-of-way and easement across affected property. An appraisal has been prepared in accordance with the City of Kingsport's Real Property Acquisition Policies & Procedures and indicates the fair market value as per the attached property owner.

This project is funded under #412-5004-501-9001.

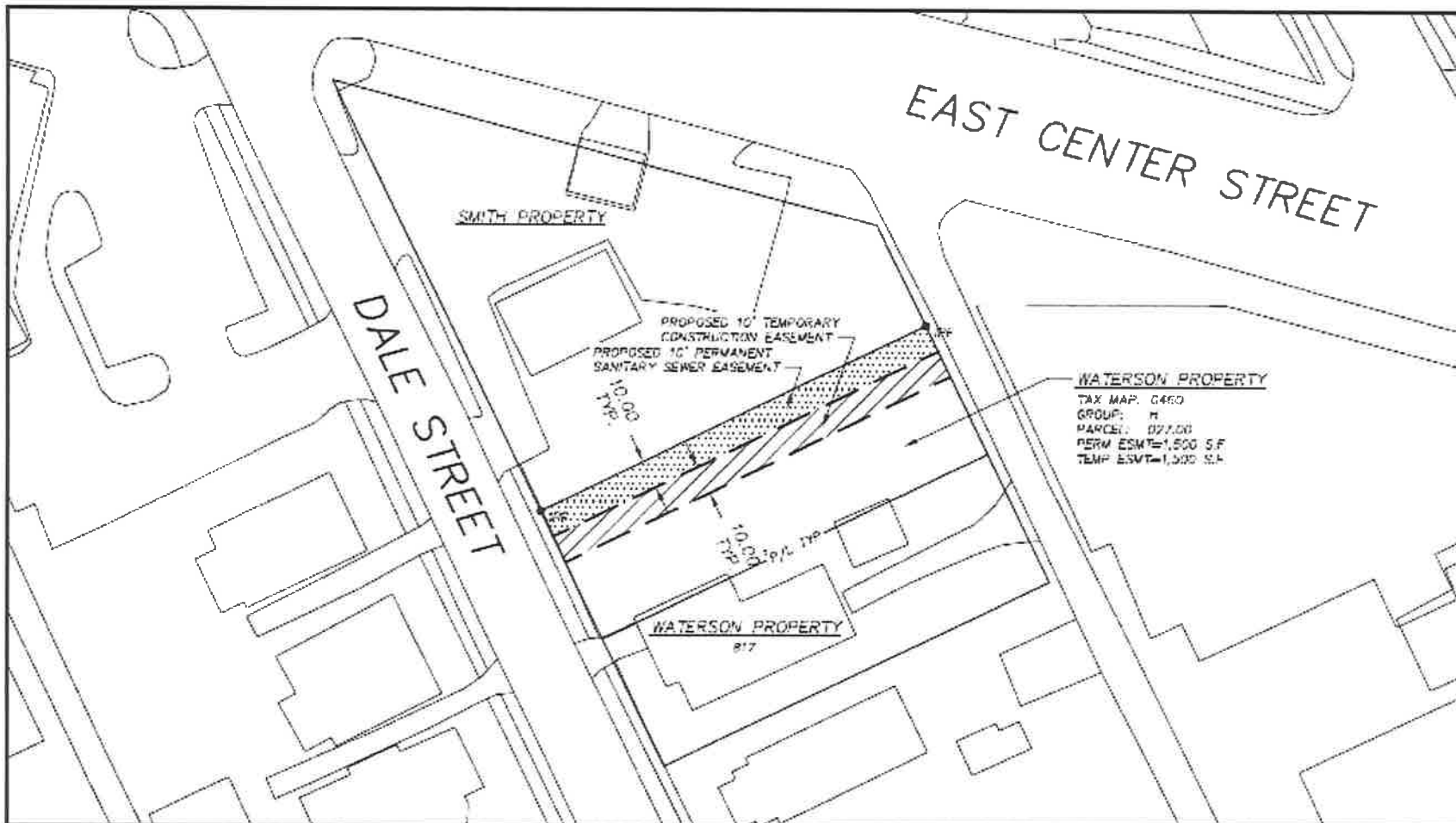
<u>Tax Map & Parcel</u>	<u>Property Owner</u>	<u>Easement Area</u>	
<u>Appraised Value</u>			
046O;H-026.00	Ralph Watterson	Perm. 1,500 sq. ft.	\$420.00
	817 Dale Street	Temp. 1,500 sq. ft.	\$140.00
	Kingsport, Tennessee 37660		

Attachments:

1. Project Location Maps

Funding source appropriate and funds are available: _____

	<u>Y</u>	<u>N</u>	<u>O</u>
Joh	—	—	—
Mallicote	—	—	—
Marsh	—	—	—
Munsey	—	—	—
Shull	—	—	—
Shupe	—	—	—
Phillips	—	—	—



ALL BEARINGS KGRN
(KINGSPORT GEODETIC
REFERENCE NETWORK)



PROPOSED SANITARY SEWER EASEMENTS ACROSS

RALPH WATERSON PROPERTY

Located in the 11th Civil District of Sullivan Co., TN

OFFICE OF THE CITY ENGINEER
DATE: 30 APRIL 2009

KINGSPORT, TN
SCALE: 1"=50'

N-2270